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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Sixteenth periodic reports of States parties due in 1999

Addendum

Egypt*

[Original: Arabic]
[9 October 2000]

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* The present report brings together in a single document the thirteenth, fourteenth, fifteenth and sixteenth periodic reports of Egypt, which were due on 4 January 1994, 1996, 1998 and 2000 respectively. For the eleventh and twelfth periodic reports of Egypt, submitted in one document, and the summary records of the meetings at which the Committee considered those reports see documents CERD/C/226/Add.13 and CERD/C/SR.1048-1049.

The information submitted by Egypt in accordance with the guidelines for the initial part of the reports of States parties is contained in document HRI/CORE/1/Add.19.

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Introduction

1. The Government of Egypt has the honour to submit this report to the distinguished Committee in accordance with article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination. In conformity with the guidelines and general recommendations adopted by the distinguished Committee, this report is divided into three parts:

Part I: General information on the State party;

Part II: Comments on articles 2 to 7 of the Convention;

Part III: Replies to the Committee's questions, including the verbal replies given by the Egyptian delegation during the consideration of the twelfth report.

2. While submitting this report, combining the thirteenth to sixteenth reports due in January 2000, the Government of Egypt wishes to reaffirm its constant readiness to reply to all the questions of the distinguished Committee concerning the implementation of the provisions of the Convention and takes this opportunity to wish the Committee continuing success in its task, which is dear to the hearts of all mankind.

3. Egypt acceded to the International Convention on the Elimination of All Forms of Racial Discrimination under the terms of Presidential Decree No. 369 of 1967. The Convention was published in Arabic in the country's Official Gazette No. 45 of 11 November 1972 and became part of the country's legislation with effect from 4 January 1969.

PART I. GENERAL INFORMATION ON THE STATE PARTY

A. Statistical and demographic indicators concerning the country and its population

1. Indicators and results of the general population census of 1996

Land area (in thousands of km²): 997.7.

Population: 61.4 million persons (51.2 per cent male and 48.8 per cent female). The total population on 1 January 2000 was estimated at 65.2 million persons on the basis of the natural growth rate, taking into account temporary emigration estimated at 1.9 million persons.

Annual population growth rate: 2.108 per cent in 1996, as compared with 2.4 per cent in 1986 and 2.099 per cent in 1998.

Proportion of the population under six years of age: 15.1 per cent in 1996, as compared with 19.2 per cent in 1986.

Proportion of the population from 6 to 10 years of age: 9.2 per cent in 1996, as compared with 9.1 per cent in 1986.

Proportion of the population from 10 to 15 years of age: 10.7 per cent in 1996.

Proportion of the population from 15 to 60 years of age: 59.9 per cent in 1996, as compared with 53.8 per cent in 1986.

Proportion of the population over 60 years of age: 5.1 per cent in 1996, as compared with 6.2 per cent in 1986.

Urban proportion of the population: 43 per cent in 1996, as compared with 44 per cent in 1986.

Rural proportion of the population: 57 per cent in 1999, as compared with 56 per cent in 1986.

Average size of household: 4.7 persons in 1996.

Average number of individuals per room: 1.2 persons in 1996.

Average life expectancy at birth: 67.1 years for males and 71.5 years for females born in the years 2000 and 2001, as compared with 60.5 years for males and 63.5 years for females in 1986.

Overall fertility rate: 3.63, depending on the age of the mother (15-49), in 1995.

2. Characteristics of the population

(a) Educational status

(i) Illiteracy rate in the age group 10 years and above: 38.6 per cent in 1996, as compared with 49.6 per cent in 1986.

(ii) Proportion of the population aged 10 years and above holding qualifications lower than university level: 32.8 per cent in 1996, as compared with 27.4 per cent in 1986.

(iii) Proportion of the population aged 15-60 years holding university qualifications: 7.3 per cent in 1996, as compared with 4.3 per cent in 1986.

(b) Labour force

(i) Economically active proportion of the population aged 15-60 years: 35.4 per cent in 1996, as compared with 34.4 per cent in 1986.

(ii) Unemployment rate: 7.9 per cent of the total labour force (18.2 million persons) in the year 2000.

(c) Marital status

(i) Married proportion of the population in 1996: 61.2 per cent, as compared with 64.8 per cent in 1986.

(ii) Proportion of persons never married: 27.8 per cent in 1996, as compared with 25.7 per cent in 1986.

(iii) Proportion of divorced and widowed persons: 7.1 per cent in 1996, as compared with 8.5 per cent in 1986.

3. Economic indicators

(a) Gross domestic product: LE 278.4 billion in 1997/98. Total investments: LE 62 billion in 1997/98 and LE 66.3 billion in 1998/99.

(b) Growth rate: 5.5 per cent. Annual growth rate of per capita share of GNP: 5.2 per cent.

(c) The per capita share of GNP rose to LE 4,800, equivalent to US$ 1,410, in 1998.

(d) The per capita share of GDP rose to LE 4,470, equivalent to US$ 1,314, in 1998.

(e) The rate of inflation declined from 9.3 per cent in 1995 to 4 per cent in 1998/99.

(f) The overall public budgetary deficit dropped from 24.4 per cent in 1987/88 to 2.6 per cent in 1993/94 and less than 1 per cent in 1998/99.

(g) The balance of payments showed a surplus from 1989/90 which amounted to US$ 2.8 billion in 1993/94.

(h) The debt servicing burden from current receipts dropped to 15 per cent in 1993/94.

(i) The unemployment rate dropped from 9.3 per cent in 1994/95 to 7.9 per cent in 1999/2000.

B. The general legal framework within which the right to equality and non-discrimination is protected in Egypt

4. The Egyptian legal system is based on the Constitution, which is the basic law establishing the structure of the State and defining its system of government, the powers of its public authorities, the rights and freedoms of individuals, the fundamental guarantees of those rights and freedoms and the prescribed means of redress.

5. The Constitution occupies a special place in the hearts of Egyptians, since it was a historic nationalist demand that formed the focal point of the patriotic struggle from the beginning of Egypt's modern era in 1805 until the proclamation of the country's first Constitution of 1882, which was repealed as a result of the British occupation. However, the patriotic struggle continued until the proclamation of the Independence Constitution of 1923, which was followed by successive Constitutions reflecting the political circumstances that the country experienced until the proclamation of its Permanent Constitution of 1971, which is currently in force.

6. The present Constitution was proclaimed shortly after Egypt signed the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (4 August 1967) and, subsequently, the International Convention on the Elimination of All Forms of Racial Discrimination, which forms the subject of the present report.

7. Accordingly, the Constitution, being the fundamental legal instrument defining the rights and freedoms of individuals and the guarantees required for their protection, naturally embodied all the current standards concerning human rights and freedoms as set forth in those International Covenants and in the Convention forming the subject of this present report. Moreover, the principles of equality before the law and non-discrimination on which the Convention is based have been firmly established in all the successive Egyptian Constitutions since they are among the fundamental principles on which the rule of law is based. This has contributed considerably to the national legislature's long-standing commitment to those firmly established constitutional principles, as a result of which the country's national legislation applies to all Egyptian citizens without any discrimination, distinction or preference on any grounds whatsoever.

8. It is noteworthy that the Egyptian Constitution was proclaimed after the holding of a popular referendum on 11 September 1971. On 22 May 1980, following another popular

referendum, some articles of the Constitution were amended in order to establish a second parliamentary body, known as the Advisory Council, as well as a multi-party political system and an independent press. Some of the articles of the Constitution were also amended, in response to the political, economic and social changes that had taken place, in order to keep pace with the new international developments in the vital field of human rights and freedoms.

9. All the principles of human rights are embodied in the various chapters and articles of the Egyptian Constitution. With regard to the rights forming the subject of this report, the right to equality before the law and non-discrimination, on which the International Convention on the Elimination of All Forms of Racial Discrimination is based, is recognized in articles 8 and 40 of the Constitution. Article 8 stipulates that the State guarantees equal opportunities for all its citizens, while article 40 stipulates that all citizens are equal before the law and in regard to their public rights and obligations without any discrimination among them on grounds of gender, origin, colour, language or belief.

10. From the above, it is evident that, in the Egyptian legal system, the principles of human rights in general, including the right to equality, enjoy the status of constitutionally established rules. This offers the following important legal advantages:

(i) They enjoy immutability, stability and inviolability unless the necessary steps are taken to amend the Constitution, which would inevitably entail a popular referendum (article 189 of the Constitution);

(ii) Being constitutional rules, they rank higher than other legal rules established by the legislative or any other authority, which is obliged to act in accordance therewith and to refrain from any violation thereof;

(iii) They are accorded legal protection by the Supreme Constitutional Court, which was established to rule on the constitutionality of legislation and the decisions of which are binding on all the State authorities;

(iv) They enjoy the special guarantee accorded to all the human rights and freedoms recognized in the Egyptian Constitution. According to article 57 of the Constitution, any violation of any of the constitutionally guaranteed rights and freedoms of individuals constitutes an offence in respect of which civil or criminal proceedings are not statute-barred and the State guarantees compensation.

11. In actual practice, the Supreme Constitutional Court has handed down numerous constitutional rulings, based on these legal principles, in constitutional disputes brought before it concerning the right to equality and non-discrimination. In this way, the Court has exercised constitutional supervision over legislation, in regard to which its jurisprudence is based on the following important principles:

(a) The grounds (gender, origin, language, religion or belief) on which discrimination between citizens is prohibited in article 40 of the Constitution are not limitative but are merely the most commonly encountered in daily life; otherwise, discrimination would be permissible on other grounds, which would be incompatible with the equality guaranteed in the Constitution

(Constitutional Case No. 17, judicial year 14, session of 14 January 1995, ruling published in the Official Gazette No. 6 of 1995 on 9 February 1995).

(b) The Court substantiated that ruling by stating that there were equally serious forms of discrimination not explicitly referred to in article 40 of the Constitution, such as discrimination between citizens in regard to the rights that they enjoy and the freedoms that they exercise on grounds such as birth, social status or class, party political tendencies, racial or tribal affiliation, attitude towards the public authorities or aversion to the latter's institutions or acts, etc.

(c) The forms of discrimination that run counter to the Constitution are boundless but consist primarily in differentiation, restriction, preference or exclusion that arbitrarily detract from the rights and freedoms guaranteed in the Constitution and the law by denying their existence or rendering them inoperative in such a way as to prevent them from being exercised on an equal footing by all persons entitled to do so, particularly in the political, social, economic, cultural and other fields of public life (Constitutional Case No. 30, judicial year 15, session of 4 February 1995, ruling published in the Official Gazette No. 9 on 6 March 1995).

(d) The Constitutional Court has also restricted the extent of the legislature's discretionary power to regulate public rights and freedoms by stipulating that the legislature cannot diminish or derogate from a constitutionally protected right (ruling handed down in Constitutional Case No. 16, judicial year 15, session of 14 January 1995).

(e) The Supreme Constitutional Court also made it clear that, with regard to the basic rights and freedoms of citizens, the substance of a legal principle which takes precedence in, and is binding on, a State governed by the rule of law must be determined in the light of the standards to which the societies of democratic States are uniformly committed. Consequently, a State governed by the rule of law cannot reduce the protection that it accords to the rights and freedoms of its citizens below the minimum generally acceptable requirements in democratic States, nor can it subject the enjoyment or exercise thereof to restrictions which, in their substance or scope, would be incompatible with those normally imposed by democratic regimes. In fact, the State is bound by the law in accordance with the democratic principle that its legislature must not prejudice rights the recognition of which, in democratic States, is not only a prerequisite for observance of the rule of law but also a basic safeguard for the rights, dignity and personal integrity of the human person (ruling handed down in Constitutional Case No. 22, judicial year 8, session of 4 January 1992).

12. In the light of the above constitutional principles established by the Supreme Constitutional Court, the Court ruled that the legislative provisions under which exceptional treatment in regard to admission to higher education was accorded to special categories, to the detriment of others who should take precedence over them in accordance with the stipulated conditions of admission, was unconstitutional insofar as it violated the principle of equality and equal opportunities embodied in articles 8 and 40 of the Constitution (Constitutional Case No. 106, judicial year 6, session of 29 June 1985, ruling published in the Official Gazette No. 28 of 1985 on 11 July 1985). This ruling concerned equality within the context of the right to education.

13. The Court also ruled that article 27 of Act No. 136 of 1981, concerning the lease of premises, was unconstitutional insofar as it discriminated between landlords in regard to the prerogatives that they enjoyed by virtue of their relations with their tenants and thereby violated the principle of equality embodied in article 40 of the Constitution (Constitutional Case No. 21, judicial year 7, session of 29 April 1989, ruling published in the Official Gazette No. 20 of 1989 on 18 May 1989). This ruling concerned equality among landlords leasing their property to others within the context of civil contractual relations.

14. From the above, it is evident that, in the Egyptian legal system, the right to equality and non-discrimination is based on the constitutional principles set forth in the above-mentioned articles 8 and 40. Moreover, the Supreme Constitutional Court has adopted the definition of discrimination contained in article 1 of the Convention forming the subject of this report and in the distinguished Committee's general recommendation XIV. The Egyptian legislature has never violated the principle of equality before the law, without any discrimination, as stipulated in the successive Egyptian Constitutions and some Egyptian legislative enactments, such as the Political Parties Act, the Associations Act and the Press Act, explicitly prohibit discrimination on any grounds whatsoever, as will be seen below.

15. In conformity with the provisions of the Convention, Egyptian penal legislation stipulates that it is a criminal offence to violate the basic rights and freedoms of citizens or to advocate or incite extremism, confessionalism or racism, as illustrated by the following:

(a) Articles 86 bis and 86 bis (a), which were added to the Penal Code under the terms of Act No. 98 of 1992, stipulate that it is a criminal offence to establish or organize any association, body or group the purpose of which is to advocate, in any way whatsoever, violations of the constitutionally and legally guaranteed personal liberty or public rights and freedoms of citizens. It is also a punishable offence to join or promote such groupings. Consequently, the right to equality and non-discrimination is among the basic rights guaranteed by the Constitution and citizens enjoy legal protection against any violation of this right, since such violation would constitute a criminal offence.

(b) Under article 20 of the Press Regulatory Act No. 96 of 1996, journalists have an obligation to refrain from endorsing racist propaganda which expresses contempt for religions, advocates hatred thereof, detracts from the beliefs of others or promotes bias towards or against any social communities. Article 22 of the Act prescribes a penalty of imprisonment and/or a fine for any breach of that obligation.

16. The prohibition of the establishment of racist organizations advocating or inciting acts of racial discrimination is illustrated by the following Egyptian legislative enactments:

17. The Private Associations and Institutions Act No. 32 of 1964 prohibits the establishment of associations for any purpose that would be illicit or incompatible with public order. This prevents the establishment of associations the aims of which would be incompatible with the Convention, which forms part of the country's legislation.

18. The Political Parties Act No. 40 of 1977 prohibits the establishment of any political party the programmes or principles of which focus on a particular class, confession, category or geographical region or are based on discrimination on grounds of sex, origin, religion or belief.

C. The legal status of the International Convention on the Elimination of All Forms of Racial Discrimination in Egypt

19. With regard to the legal status in Egypt of human rights instruments, including the Convention forming the subject of this report, international treaties in general are governed by the rules set forth in article 125 of the Constitution of 1964, replaced by article 151 of the Permanent Constitution of 1971, under which, following completion of the requisite constitutional procedures, such treaties are deemed to constitute part of the country's legislation. Paragraph 1 of the above-mentioned articles stipulates that: "The President of the Republic shall be empowered to conclude international treaties and transmit them, together with an appropriate statement, to the People's Assembly. Such treaties shall acquire the force of law after their conclusion, ratification and publication in accordance with the requisite procedures." Accordingly, following their ratification and publication, international instruments concerning human rights and freedoms, including the Convention forming the subject of this report, are regarded as equivalent to enactments promulgated by the legislative authority and, consequently, their provisions are equivalent to those of the applicable Egyptian legal texts which are enforceable before all the State's legislative, executive and judicial authorities.

20. In view of this legal status of human rights instruments in Egypt, the principles of human rights and freedoms as set forth in international instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination, enjoy the following advantages in Egypt:

1. The protection accorded to constitutional rules

21. In the Egyptian legal system, the principles of human rights and freedoms, including the principle of equality and non-discrimination, being incorporated in the text of the Constitution as already indicated, enjoy the protection accorded to the constitutional rule that all legal texts in force at the time of the proclamation of the Constitution but which violate or conflict with those principles are unconstitutional. This also applies to any enactments that might be promulgated by the legislative authority after the entry into force of the Constitution. Hence, any interested party can, at any time, apply to the Supreme Constitutional Court in accordance with the prescribed procedure in order to obtain a ruling designating those texts or enactments as unconstitutional. The rulings handed down by that Court are final and binding on all the State authorities and are published in the country's Official Gazette.

22. Reference has already been made, in section B, to the practical aspects of the constitutional protection of the right to equality and non-discrimination, as well as the rulings handed down by the Constitutional Court concerning this right provided for in the Convention.

2. The protection accorded to legal rules

23. Since all the provisions of international instruments, including the Convention forming the subject of this report, are regarded as part of the country's legislation, they are enforceable and can be directly and immediately invoked before all the State authorities, which are bound by those provisions and the rules stipulated therein. Accordingly, anyone who suffers detriment as a result of their non-application has a direct right to resort, in accordance with the prescribed procedure, to the court competent to hear the type of offence involved in order to enforce his rights in this regard.

24. Under the terms of the Convention, States parties have an obligation to prohibit acts of racial discrimination and, by virtue of this obligation, the national legislature is required to designate such acts as criminal offences and to prescribe appropriate penalties therefor. In conformity with the provisions of the Convention, the Egyptian legislature has prohibited the acts referred to therein under the terms of the Penal Code and other enactments, as already indicated in section B of this part of the report.

3. Penal protection

25. All the rights and freedoms recognized in the Constitution, including the rights forming the subject of the Convention under review, enjoy the penal protection provided for in article 57 of the Constitution under which any violation of those rights and freedoms constitutes an offence in respect of which criminal or civil proceedings are not statute-barred, the victims having a guaranteed right to compensation by the State. In Egyptian law, any violation of the right to equality and non-discrimination is punishable in the manner detailed in section B of this part and further reference thereto will be made in the comments on article 4 in part II of this report.

26. From the above, it is evident that the Convention forming the subject of this report is supported by constitutional provisions under which the rights that it protects enjoy the lofty status of constitutional rules that take precedence over other legislation. Moreover, since its entry into force, the Convention has formed part of Egyptian law and any interested party can invoke its provisions before any of the State authorities.

27. The acts which, in accordance with the provisions of the Convention, should be designated as criminal offences are so designated in the Egyptian Penal Code and other relevant legislative enactments, as already stated in section B of this part of the report. Consequently, any victim thereof can bring a criminal action against the person responsible for the act and can apply for compensation in respect of the damage suffered.

28. It is therefore evident that, in Egypt, international human rights instruments, including the Convention forming the subject of this report, enjoy special legal status and, in practice, take precedence over other legislation insofar as constitutionally recognized basic human rights and freedoms cannot be modified by the national legislature.

29. The national legislative authority can intervene to regulate these rights only in the light of the standards to which the societies of democratic States are uniformly committed. This jurisprudential principle, which has been established by the Constitutional Court as already

indicated in section B, rightly vests international human rights instruments with special legislative status in Egypt. In actual practice, many court judgements are based on the provisions of international human rights instruments and, in its rulings, the Supreme Constitutional Court regards international human rights instruments as authoritative sources of reference when considering and interpreting rights forming the subject of constitutional disputes brought before it.

D. The authorities that guarantee the effective implementation of human rights instruments, and available means of redress

30. From the above, it is evident that, in accordance with the provisions of the Constitution, as well as the constitutional principles established by the Supreme Constitutional Court and the legal rules and provisions on which the Egyptian legal system is based, both the legislative and the executive authorities, in the discharge of their tasks and in the exercise of their respective functions, are bound by, and must ensure compliance with, the constitutional and legal rules and principles concerning human rights and freedoms. In the enactments that it promulgates, the legislative authority is bound by the constitutional provisions concerning equality before the law and non-discrimination and, in its administrative ordinances and decisions and its executive acts, the Executive authority is likewise bound by those constitutional and legal rules concerning equality and non-discrimination, regardless of whether its decisions are of a general or individual nature. The independent judicial authority, acting through its various bodies, ensures that anyone whose rights or freedoms are violated has access to means of redress in a manner consistent with the type of dispute, the parties thereto, the rights claimed or the violations committed.

31. Under the provisions of the Egyptian Constitution, the press is an independent popular authority which guarantees and protects all the principles of human rights. In fact, it is stipulated in Section 2, Chapter VII, of the Egyptian Constitution that the press is an independent popular authority which discharges its social function in a free and independent manner by various means of expression and reflects public opinion within the framework of respect for the fundamental constituents of society and for public rights, freedoms and obligations and the privacy of citizens, in accordance with the Constitution and the law. The press is free and journalists have the right to obtain information, their activities being subject to no authority other than the law. Accordingly, in accordance with its constitutionally specified functions, the press is an authority which monitors, controls and protects human rights and fundamental freedoms within the framework of its constitutional powers and guaranteed rights, illustrated by freedom, independence and the right to obtain information, and the legal protection that it enjoys, illustrated by the fact that the activities of journalists are subject only to the provisions of the law. In accordance with the Constitution and the law, the press authority has an obligation to respect the right to equality and non-discrimination, which are among the basic rights of citizens. These principles are emphasized in the Press Act, which prohibits journalists from advocating extremism or racism and prescribes penalties for any violation of this prohibition, as already mentioned.

32. The judicial bodies which are responsible for safeguarding the public rights and freedoms of all and which, in the legal system, provide means of redress for individuals whose rights or

freedoms are violated by other individuals, bodies or State authorities consist of the Supreme Constitutional Court, the civil and criminal branches of the judicial authority and the Council of State (the administrative judiciary).

1. The Supreme Constitutional Court

33. The Supreme Constitutional Court is the judicial body competent to rule on the constitutionality of laws and regulations and to interpret legislative texts. Having exclusive competence to rule on these matters, it is therefore a specific type of specialized court enjoying independent status.

34. This Court was established under the terms of the Permanent Constitution of 1971 (Chap. V, Sect. 5, arts. 174-178) to replace the Supreme Court which had been established by Act No. 81 of 1969 but which had been abolished by Act No. 48 of 1979 concerning the Supreme Constitutional Court. This Court is an independent and autonomous judicial body based in Cairo. Its members cannot be dismissed. Its rulings on constitutional matters and its interpretative decisions are published in the Official Gazette. Its rulings are binding on all the State authorities and, once they have been handed down and published in the Official Gazette at the legally specified time, any text that is declared therein to be unconstitutional is automatically abrogated and becomes inapplicable on the day following the publication of the ruling. If the text that is declared unconstitutional has a bearing on criminal procedure, any convictions that have been handed down on the basis thereof are deemed to be null and void. Under the terms of the Act, petitions for specification of the body responsible for enforcement or for the settlement of disputes concerning implementation are exempted from fees. A fixed fee of LE 25 (approximately US$ 7) is payable in respect of constitutional actions in order to facilitate the process of recourse to the Constitutional Court and prevent judicial fees from becoming a burden or an impediment that might deter individuals from exercising their right in this regard.

35. The Supreme Constitutional Court has handed down numerous rulings concerning human rights and fundamental freedoms in general and has declared a number of legislative texts to be unconstitutional on the ground that, in the Court's opinion, they violated, contradicted or restricted those rights and freedoms. The right to equality, which is recognized in article 40 of the Constitution, is one of the important rights forming the subject of rulings by the Supreme Constitutional Court, as already indicated in section B of this part, and detailed reference will be made to its other rulings concerning the principle of equality in part II of this report.

2. The judicial authority

36. Reference is made to the judicial authority in Chapter V, Section 4, of the Constitution, articles 165-173 of which stipulate that the judiciary shall be independent, that judges shall be independent and subject to no authority other than the law, that no interference in their work shall be permitted and that they shall not be liable to dismissal.

37. Article 172 of the Constitution stipulates that the Council of State shall be an independent judicial body competent to adjudicate in administrative disputes and disciplinary actions.

38. From the above, it can be seen that the judicial authority in Egypt is divided into the various levels of civil and criminal courts, administrative courts and the Council of State, each of which will be considered separately.

(a) The civil and criminal courts

39. Judicial affairs are governed by the Judicial Authority Act No. 46 of 1972. The civil and criminal divisions of the courts are competent to adjudicate in all types of civil disputes and also in criminal cases involving legally designated offences. They adjudicate therein in accordance with the law, within the framework of the disputes brought before them, in the light of the constitutional principles in force and in a manner consistent with the rules and procedures laid down in the Code of Civil Procedure, in the case of the civil courts, or the Code of Criminal Procedure in the case of the criminal courts. Each of these Codes regulates the levels and types of courts, the extent of their jurisdiction, the stages of appeal against their judgements, means of judicial remedy, the procedures for the hearing of proceedings and the safeguards that must be provided for plaintiffs and defendants. By law, any person who has suffered detriment as a result of an offence has the right to bring a civil action for damages before the criminal court hearing the proceedings in connection with the legally designated offence in question. These offences obviously include violations of the public rights and freedoms of individuals. In addition to the Department of Public Prosecutions, which is responsible for the investigation and prosecution of offences, the victim who has suffered detriment also has the right to bring a criminal action in person before the courts and to demand imposition of the legally prescribed penalty on the accused, as well as payment of damages.

(b) The administrative courts and the Council of State

40. During the exercise of its powers and functions and the consequent issue of decrees or ordinances affecting the interests of individuals or groups, regardless of whether they relate to measures that it is obliged to take or services that it provides for citizens, the executive authority is obviously bound by all the constitutional principles and legal rules in force in the country and, within the limits of its jurisdiction, must act in the public interest, without any discrimination, and must endeavour to promote the welfare of citizens on the basis of purely objective criteria and in accordance with the legal principles in force. The Council of State and the administrative courts are a means of judicial remedy to which anyone can resort in order to contest decisions taken by the executive authority, regardless of whether such decisions are positive or negative (in the sense of a failure to take a decision or the requisite action). The administrative courts can be petitioned to annul decisions which infringe legal or jurisdictional limits, which are defective in form or which are vitiated by faulty application or interpretation or by an abuse of authority. Compensation can also be claimed in this respect.

41. The Council of State is an independent judicial body (art. 172 of the Constitution). The Council of State Act No. 47 of 1972 defines the competence of the Council's courts to adjudicate in appeals against final decisions and applications for the annulment of administrative decisions and for payment of compensation in respect thereof for the above-mentioned reasons. A refusal to take a decision is, in itself, regarded as an administrative decision. These courts are also competent to hear appeals against disciplinary decisions. In addition, the Act regulates the channels, procedures and stages of appeal against judgements. The Act regards abrogating

judgements as binding on all and a refusal to implement them is deemed to constitute an offence punishable in accordance with the Egyptian Penal Code (art. 123).

42. Our above review of the legal status of human rights instruments, including the Convention forming the subject of this report, in Egypt and of the available means of redress under the country's judicial system clearly shows that any interested party can apply to either branch of the judicial authority (the ordinary courts or those of the Council of State), depending on the nature and type of the dispute and the rights arising therefrom or claimed therein, in order to demand his rights or uphold his claims either before the ordinary courts, by prosecuting the accused party and claiming compensation in respect of the damage suffered, if the violation of his rights or freedoms constituted a legally designated offence, or by solely claiming compensation in other cases, or before the administrative courts by demanding the annulment of defective administrative decisions and payment of appropriate compensation in respect thereof.

43. In either case, the petitioner can demand direct enforcement of the provisions of the Convention or of any other human rights instruments since, in accordance with the Constitution, they form part of the Egyptian legislation in force. If, during the various stages of the proceedings, legislative texts or regulations prevent him from achieving his legitimate aims and purposes in conformity with the rights and freedoms recognized in those instruments, he can contest the constitutionality of those legal texts before the Supreme Constitutional Court on the ground that they violate the constitutional principles on which those rights and freedoms are based. In this case, the court hearing the proceedings must suspend the hearing until a decision has been taken on the constitutionality of the contested legal text. The court resumes its hearing of the proceedings after a ruling thereon has been handed down by the Supreme Constitutional Court. The lower court must abide by the decisions reached by the Constitutional Court in its ruling which, as stipulated in the Constitution, is binding on all the State authorities.

44. In the light of the above, the provisions of the Convention forming the subject of this report are equivalent to legislation and the victim of any of the above-mentioned offences can petition the courts to impose the prescribed penalty on the party responsible therefor and can also claim compensation. In other cases, a victim can apply to the civil or administrative courts, depending on the type of the dispute and the capacities of the parties thereto under the Egyptian legal system, or can contest any legislation affecting his right to equality and non-discrimination by applying to the Supreme Constitutional Court, in accordance with the prescribed procedures, to declare such legislation unconstitutional.

45. Some practical examples of the rulings handed down by the Supreme Constitutional Court in connection with this right recognized in the Convention under review will be found in part II. In this regard, the following should be noted:

(a) The Supreme Constitutional Court has established the jurisprudential principle that article 40 of the Constitution, which embodies the principle of equality before the law and non-discrimination on grounds of gender, origin, language or belief or for any other reason, applies to all the above-mentioned means of redress in the same way as it applies to all the rights and freedoms provided for in human rights instruments and in the Constitution.

(b) In one of its rulings, the Constitutional Court stipulated that the right of legal redress in the country is guaranteed to all citizens and foreigners in accordance with the same safeguards needed for the administration of justice. It ruled that, under the terms of article 68 of the Constitution, the State had an obligation to ensure that every citizen or foreigner enjoyed easy access to its courts, as well as the necessary protection of their recognized rights, with due regard for the fundamental safeguards needed for the effective administration of justice in accordance with the standards set in the developed countries.

(c) The rulings of the Constitutional Court concerning application of the principle of the right to equality before the law, non-discrimination, legal redress and freedom of expression, to which reference has already been made in section B and which will be discussed further in part II of this report, reflect the following:

(i) The successful endeavours that the State is making to promote greater public awareness of the rights and freedoms guaranteed by the Constitution and the law, as a result of which citizens resolutely uphold these rights and freedoms, demand that anyone who violates them be called to account, and claim compensation in respect of any damage suffered through such violations. With the passage of time, this automatically entrenches the standards relating to those rights and freedoms and turns them into natural patterns of behaviour in daily life.

(ii) The State's commitment to the principle of sovereignty of the law and enforcement of court judgements that confirm constitutionally recognized rights and freedoms or interpret them in the light of the international standards applied in democratic States.

(d) In civil society, the endeavours that are being made by the national and party press, private associations, non-governmental organizations, occupational and professional unions and political parties, in their respective fields of activity and in their capacity as mechanisms which guarantee and monitor the effective enjoyment of human rights, equality and non-discrimination, have been highly successful due to the major role that these legal entities are playing in stimulating public awareness of, and commitment to, the effective implementation of human rights instruments and in defending the interests of the categories which they represent.

E. Human rights principles and instruments: publicity, dissemination, teaching and training in Egypt

1. Information and publicity

46. As already mentioned, following completion of the procedures for the ratification of Egypt's accession to the Convention forming the subject of this report, the Convention was published, on 11 November 1972, in the country's Official Gazette, which appears in Arabic and contains all the country's legislation and presidential decrees, as well as international conventions. Publication in the Official Gazette is important as a means to ensure that everyone is informed of the legislative enactments promulgated. It also determines the date of their entry into force in the country.

47. The Official Gazette is published in consecutive and special issues and can be purchased by anyone at establishments specializing in the sale of government publications. It can also be posted to subscribers. The Official Gazette, which is sold at nominal prices lower than production cost in order to make it easy to obtain, is an important periodical which public and private libraries are eager to possess as a reference work. It is also in great demand by all persons working in the legal field since, in accordance with article 188 of the Constitution, all legislation must be published in the Official Gazette within two weeks of the date of its promulgation and enters into force one month from the day following the date of its publication therein unless otherwise stipulated. Legal provisions can be applied only with effect from their date of entry into force although, in non-criminal matters, a stipulation to the contrary may be made by a majority vote among the members of the People's Assembly in accordance with article 187 of the Constitution.

48. While publication in the Official Gazette is a means to draw public attention to legislation and determines the date of its entry into force, as well as its scope and its field of application which are matters of concern primarily to jurists, international human rights instruments are also of great interest to all sections of the Egyptian people. Accordingly, as a token of its commitment to the provisions of those instruments and to the international resolutions adopted in this regard, the Government is eager to make them widely known and understood by seeking to ensure that the application of their lofty humanitarian values concerning human rights and freedoms is closely linked to the social education process since this is the only way to shape the behavioural patterns of future generations and guarantee that they are imbued with those values, aware of the benefits derived from enjoyment of those rights and eager to safeguard their fruits.

49. Hence, in Egypt, international human rights instruments, including the Convention under review and the concepts and values that it embodies, are now basic subjects that are taught in Egypt at the basic (primary and preparatory) stages of education and also in numerous university colleges, particularly in the B.A. and higher studies curricula of faculties of law, at the Police Academy and at specialized national training and research centres, the students of which will be firmly committed to their aims, to the implementation of their provisions and to the effective defence of the rights of others. They will also undoubtedly be capable of expanding the scope of application of those provisions in the functions that they will be assuming by virtue of their qualifications. Moreover, Egypt has endeavoured to develop the educational curricula at all academic levels in order to make the lofty principles, purposes and provisions of those instruments more widely known in furtherance of the above-mentioned aims. We will be referring, in the following section, to the practical measures that Egypt has taken in this regard.

50. Needless to say, the endeavours that the State is making to eradicate adult illiteracy, as a constitutionally prescribed national duty, are effectively helping to promote greater awareness of the instruments and principles concerning human rights and freedoms by enabling newly literate persons to familiarize themselves with, and fully enjoy, those rights. This is undoubtedly the best way to ensure a steady increase in the number of persons capable of understanding and defending their rights.

51. In addition, the national and party press, as well as political parties, trade unions, professional associations and non-governmental and private organizations, in their capacity as

legal entities with branches in all parts of the country, are playing a leading role in familiarizing people with these rights and freedoms by using methods appropriate to the nature and circumstances of each occupation, profession or location. These governmental and non-governmental endeavours to eradicate adult illiteracy and provide information and cultural services in all parts of the country also indirectly play an important role in promoting great awareness of the international instruments concerning human rights and freedoms among all communities and sections of society.

52. We will be referring, in the following section, to Egypt's endeavours, measures and plans in the field of education, training and public awareness.

2. Education, training and public awareness

53. Egypt realizes that dissemination of human rights awareness is a prerequisite for the promotion of those rights at the international and national levels. The World Conference on Human Rights, held in Vienna in 1993, emphasized the importance of human rights education, training and dissemination as a fundamental step towards the development and promotion of understanding, tolerance, peace and friendly relations between nations. This was followed by the proclamation of the United Nations Decade for Human Rights Education (1995-2004).

54. In keeping with its desire to ensure the widespread dissemination of the concepts and principles of human rights and the promotion of modes of behaviour that respect the dignity, rights and freedoms of every member of society as the prevailing pattern in daily life, Egypt has made every endeavour to publicize and teach the principles of human rights, and provide training therein, by incorporating them in the academic curricula at the basic and university stages of education, by training various categories of specialists working in this field and by stimulating public awareness of human rights through public symposia, conferences and the information media.

Education

(a) Development of basic and secondary educational curricula

55. Being motivated by its belief that the lofty principles, values and aims of human rights, as set forth in international instruments, constitute the main basis of a broad educational syllabus covering the patterns of behaviour and the attitudes, concepts, values and traditions which should be inculcated into children and young persons as the best way to ensure social progress, and being firmly committed to the United Nations Decade for Human Rights Education, Egypt has diligently endeavoured to incorporate the concepts and principles of human rights in its academic curricula at the basic stages of education.

56. To this end, a number of conferences on the development of educational curricula were held with a view to including the principles of human rights in the academic curricula. Following the holding of the National Conference on the Development of Primary-Level Curricula in 1993 and the subsequent National Conference on the Development of Preparatory-Level Curricula in 1994, plans are currently being made to modify the secondary-level curricula through the holding of national conferences for this purpose.

57. In accordance with the recommendations of those conferences, the curricula for the basic (primary and preparatory) stages of education were redesigned and developed in such a way as to inculcate these principles by focusing on matters and issues that have a bearing on daily life and by giving students an opportunity to familiarize themselves with the scientific, socio-economic, technological and political changes taking place around them. The principal issues that have been incorporated in the educational curricula for the various academic years include human rights, the rights of the child, women's rights, non-discrimination against women, preventive and curative health care, reproductive health, the relationship between population increase and development, religious tolerance, education for peace, national unity, protection of the environment, globalization, integration between peoples and legal awareness of rights and obligations.

58. The process required a study of the Arab, regional and international instruments defining those rights, after which meetings were held with specialists in the concepts involved in the issue of human rights, as in the case of all other issues, in order to analyse them and classify them as basic or subsidiary concepts ranging from simple to profound in a manner consistent with the different age levels of the various academic grades. These analyses were subsequently expressed in the form of the following sequential matrix of concepts of human rights and freedoms in order to facilitate the selection of those most relevant to the academic subjects studied at each level and grade:

The right to a decent life.	The right to form a family.
The right to education and further education.	The right to consideration and respect.
The right to comprehensive health care.	The right to equality and non-discrimination.
The right to wholesome food.	The right to suitable housing.
The right to freedom of travel and movement.	The right to personal liberty.
The rights of children, women and aged persons in time of war.	The rights of civilians in time of war.
The right to participate in political and social life.	The rights of families in time of war.
The right to work.	The right to engage in religious observance.
The right to freedom of assembly.	The right to enjoy peace and security.
The right to enjoy leisure time.	The right to safe childbirth.
The right to freedom of choice and decision-making.	The right to practise sport.
The right to own property.	The right to differ.

59. The educational curricula have already been developed up to the third and final preparatory grade of basic education and are currently being developed up to the end of the secondary level. Preparations are also being made to hold a conference on the development of secondary-level curricula and preparatory studies and research are being conducted for the holding of that conference as soon as possible.

60. With regard to the inclusion of human rights issues in the academic curricula for this age level, it is expected that they will continue to be taught through the amalgamation method involving the selection of concepts most appropriate to this age level, which requires more in-depth study so that these issues can be taught in a more direct and subject-oriented manner.

61. In addition to the amalgamation and integration method, it has been proposed that the secondary-level curricula should be based on a core curriculum in which a number of basic academic subjects would be studied by all students, who would also be able to choose a number of other subjects in accordance with their own wishes and predilections. A separate syllabus might be formulated within the core curriculum for human rights, civic education or life skills in general or, alternatively, students might be offered the choice of a syllabus comprising some important issues suited to the requirements of their age level.

62. As in the case of the primary and preparatory levels, care will have to be taken to train teachers in the best ways to approach these concepts at the secondary level.

63. To this end, Egypt has cooperated with a number of international organizations, such as UNESCO and the United Nations Population Fund, which have specialized technical experience in this field.

64. Within the context of the educational process, Egypt organizes, in collaboration with UNESCO, creative drawing and writing competitions in the field of tolerance and respect for others with a view to promoting a culture of peace and tolerance. Egypt is also endeavouring to highlight the human right to life in a clean environment and, to that end, is implementing the "green corner" project at schools and is encouraging young students to read books on the environment in order to enhance their aesthetic appreciation thereof.

(b) Development of university curricula for the teaching of human rights

65. Recent years have witnessed an intense wave of activity in regard to the teaching of human rights at many Egyptian universities. This activity has taken the form of the preparation of studies on the incorporation of human rights in academic curricula and the provision of grants for students and members of the teaching staff to attend training courses in this field in and outside Egypt.

66. Many university colleges have collaborated with international institutions and non-governmental organizations operating in the field of law and human rights with a view to developing the teaching of human rights. Symposia and workshops have been held to discuss ways to include human rights-related subjects in the various academic curricula and these discussions have led to the following results:

(i) Human rights are now taught at university colleges either within the framework of social sciences and the study of public law, particularly international law concerning human rights and international organizations, or within the framework of political sciences, and especially political theories, social relations, philosophy, sociology and history. New branches of study have been introduced in the academic curricula of the faculties of law and politics at the pre- and post-graduation levels and encouragement is being given to the preparation of doctoral theses in this field. Universities are also being encouraged to establish cultural and scientific associations for students and to organize lectures and symposia on the subject of human rights.

(ii) In order to keep pace with the growing international interest in these subjects, academic curricula and syllabuses and teaching methods have been developed for formal and informal university education. In 1990, for the first time, the Faculty of Law introduced human rights as an independent academic subject in the curricula for fourth-year students, who can obtain a postgraduate diploma therein. Human rights are currently being taught at a number of colleges, including faculties of law, economics, political science and commerce, and at the Police Academy at the pre- and post-graduation levels as an independent subject comprising the study of international protection of human rights, human rights in the Islamic Shari'a, the legal protection of human rights and the philosophy and various forms of human rights. The importance of teaching human rights at the post-graduate level lies in the fact that many students at that level will be appointed as public prosecutors, police officers, school teachers or university professors and the legal, political and practical information and experience acquired during their studies will therefore be useful to them in their field of work.

(iii) In accordance with the Egyptian Parliament's recommendation that the Convention on the Rights of the Child and other human rights instruments should be included in the academic curricula of faculties of law, literature, sociology and pedagogy, and in view of the importance of the dissemination of information on these rights, this has been done to varying degrees depending on the nature of the academic curricula of those faculties.

(iv) Egypt's universities are endeavouring to develop their activities in such a way as to promote the dissemination of knowledge concerning human rights values through the establishment of research and study centres specialized in human rights in view of the important role that teaching and academic research play in ensuring that human rights are respected and that the younger generation believes therein. These centres undertake research and studies, publish books and pamphlets on human rights, organize educational, training and information courses and programmes to make human rights and fundamental freedoms more widely known, and disseminate a general culture conducive to respect for the principles of human rights.

Training

67. Egypt is endeavouring to ensure that all categories of personnel working in the administration of criminal justice attend intensive in-house and external training programmes organized by their ministries and academic bodies concerned with human rights. Police college cadets also study the human rights syllabuses which are taught throughout the period of study at Faculties of Law and at the College of Postgraduate Studies. These programmes familiarize the trainees with all the international human rights instruments and the manner in which they should respect them during the discharge of their duties.

68. In this connection, Egypt and the United Nations Development Programme have signed a cooperation agreement for the implementation of a pilot project for the promotion of human rights, which is the first of its type in the region. This agreement made provision for the funding of a symposium to celebrate the fiftieth anniversary of the Universal Declaration of Human Rights and the organization of two training courses in the field of the administration of justice for police officers and members of the Department of Public Prosecutions. The first phase of the project began in July 2000.

69. Egypt also participates in many of the relevant courses organized by the United Nations or specialized international institutions.

70. The Ministry of the Interior organizes training courses and symposia at its training centre for senior police officers and heads of police colleges where they are taught the principles of human rights and freedoms and learn to respect them. The Higher Police Council has decided that human rights should be a basic subject of advanced studies by police officers and the Police Academy, in collaboration with a number of international bodies, is expanding its human rights programmes and encouraging its students to undertake more extensive research in this field. To this end, the Academy's library has been provided with a larger number of works on human rights in order to expand the scope of the sources of reference available to researchers in this field. The Academy, in collaboration with the United Nations, has also organized training courses in the field of human rights so that trainees can benefit from international expertise, with emphasis on the need to respect internationally recognized principles and standards of human rights.

71. A Criminal Justice and Human Rights Department has been established at the Police Research Centre to monitor scientific activities in connection with all the numerous aspects and fields of criminal justice and to conduct research on human rights and fundamental freedoms.

Public awareness

72. The preamble to the UNESCO Declaration indicates that the first step in endeavours to prevent violations of human rights is to stimulate greater public awareness of the substance of those rights. This awareness is enhanced primarily by developing patterns of behaviour among citizens so that, in their daily lives, they will act in accordance with the principles of human rights, and also by encouraging individuals to participate in the promotion of human rights.

73. Consequently, Egypt believes that human rights will be respected only if a human rights culture is disseminated among children at all educational levels and also among educational programmers, persons working in the press and information media and persons holding posts, up to the most senior grade, in various related fields, etc.

74. In this connection, non-governmental organizations and governmental and non-governmental research institutions are promoting awareness of human rights issues by encouraging research and the publication of works in this field and also by organizing conferences and forums to discuss these issues and increase public awareness thereof.

75. In the non-governmental sector, the national and party press, political parties and non-governmental organizations are playing a major role in stimulating greater awareness of human rights by providing training and organizing workshops and discussion groups, which are covered by the national and party information media, to propagate the principles of human rights, or by publishing research and reference material on these principles. These endeavours target various categories including, in particular, students and researchers, in order to develop their research skills and encourage them to give more thought to the principles of human rights in view of the important role that they will be playing in the dissemination of those principles, as well as persons working in the field of information (journalism, the cinema, etc.) in view of their important role in stimulating public awareness in this field.

76. These training courses and workshops familiarize their participants with the principles of human rights and freedoms, as well as their historical evolution, the philosophical and moral concepts on which they are based and the manner in which they should be exercised. They also discuss questions such as the universality of human rights, the particularity of Arab culture, the role of civil society in the promotion of these rights, and the principles of international humanitarian law.

77. The numerous conferences and symposia on human rights that have been organized have discussed the following questions:

The effect of globalization on the enjoyment of human rights (the Arab Organization for Human Rights, a non-governmental organization);

A symposium on the right to development, held at Yaoundé, Cameroon, in which the Ministry of Foreign Affairs participated;

A symposium on human rights and the information media in the Arab World (a non-governmental symposium in which the Ministry of Foreign Affairs participated);

Democratic change and human rights (the Cairo Human Rights Centre, a non-governmental organization);

The rights of the child in Egypt (a non-governmental workshop);

A symposium on globalization and its implications for Arab women (Casablanca, March 2000);

A series of workshops to discuss the extent of Egypt's compliance with the Convention on the Elimination of All Forms of Discrimination against Women (non-governmental workshops in which representatives of the ministries concerned participated).

78. Such conferences, symposia and workshops are organized in collaboration with national, regional and international bodies such as UNESCO, the United Nations Development Programme and the League of Arab States.

79. In the field of governmental action, public awareness plans and programmes are being implemented by all the information media on the basis of an information policy designed to achieve the following objectives:

Familiarize the public with the human rights principles adopted by the General Assembly of the United Nations, explain how they are being applied in Egyptian society and demonstrate Egypt's eagerness to respect and comply with those principles and standards;

Emphasize Egypt's full belief in, and recognition of, the principle of the right of peoples to self-determination and to the free disposal of their natural wealth and resources;

Illustrate Egypt's desire, in its relations with all peoples of the world, to respect their political freedoms and their right to economic, social and cultural development;

Illustrate the State's endeavours to promote respect for women's rights and for the principle of their equality with men, since these are constitutionally guaranteed rights;

Show that Egypt and its people recognize and advocate the right to peace, as well as the right to enjoy the common heritage of mankind, consisting in the civilizations of peoples each of which has built on the achievements of others, and provide examples of our respect for dialogue between civilizations;

Show that diligent compliance with human rights standards can be ensured only through joint endeavours by peoples, nations and public and private institutions at all levels;

Show that, within the context of the human right to reap the fruits of scientific progress, Egypt is diligently endeavouring to catch up with the developed countries and, therefore, is paying special attention to indigenous scientific and technological research with a view to promoting prosperity, progress and development in Egypt;

Show that Egypt and its people enjoy freedom of belief and respect minorities and all human races;

Shed light on the endeavours that the State or private institutions and associations are making to protect the environment and keep it clean and safe for human life as a human right;

Demonstrate how Egypt is now living in the age of democratic freedoms and how opportunities are being provided for freedom of opinion and dissident opinion through the multiparty system and freedom of the press;

Shed light on the concern that the State is showing for the social welfare of limited-income and vulnerable categories, with a view to providing them with a decent life, in every measure that the State takes in the field of development and in its decisions and legislation relating thereto;

Call for the solution of some of the human rights problems in society, such as illiteracy, unemployment, the need to expand the health insurance umbrella and combat poverty and low wages in some areas, and various aspects of the problem of the environment and the problem of mines, especially in the El-Alamein region.

80. The increasing endeavours that Egypt is making, at the local and international levels, to promote awareness, information, education and training in the field of human rights and the relevant international instruments reflect the concern that is being shown for these issues in governmental and non-governmental activities, as well as the extent of Egypt's commitment thereto, in conformity with the provisions of the international instruments and resolutions that have been adopted in this connection.

81. These endeavours have been successful in promoting greater public awareness of those issues and in creating a general human rights culture among all social categories and communities. They have also helped considerably to improve general and individual performance in the relationships to which these matters give rise at the public and private levels. In practice, this is reflected in the exercise of the right to legal redress, which is guaranteed to all, and in the number of petitions that are submitted to the Supreme Constitutional Court for rulings on interpretations and questions concerning these rights. Through its jurisprudential rulings on constitutional disputes brought before it, that Court has helped to increase the public's awareness of, and eagerness to uphold, these principles and to challenge any procedures or legislative enactments that violate, contradict or conflict with them. In fact, the Court's rulings have settled controversies surrounding many interpretations and opinions concerning human rights and freedoms.

PART II. COMMENTS ON ARTICLES 2 TO 7 OF THE CONVENTION

Article 2

82. Clarifications have already been given, in section B of part I, concerning the legal framework for the protection of the right to equality and non-discrimination, the measures that the State has taken to safeguard that right in accordance with the provisions of the Egyptian Constitution and the manner in which the national legislature has prohibited the acts which, under the terms of the Convention, need to be designated as criminal offences. Further detailed reference will be made to this aspect in the comments on article 4.

83. In practice, effect is being given to this right within the framework of the above-mentioned constitutional and legal principles which all the State authorities are obliged to respect in the discharge of their functions under the judicial control provided by the local means of redress within the framework of mutual relations between individuals or relations between individuals and the public authorities, as already explained in section D of part I of this report.

84. The campaigns that have been conducted to stimulate greater public awareness of international human rights instruments, as well as the national endeavours that have been made to teach and disseminate them and make them more widely known to all social categories and communities, have helped to make the public more aware of these rights and more eager to uphold them. This has created a general culture concerning those issues which, as already indicated, has been further consolidated and developed by the judicial rulings handed down by the Supreme Constitutional Court.

85. In addition, the following national mechanisms have been established to monitor the implementation of international human rights instruments:

(i) The Higher Council for Mothers and Children;

(ii) The National Council for Women;

(iii) A specialized Department for Human Rights Affairs at the Ministry of Foreign Affairs;

(iv) An Office for Human Rights Affairs at the Department of Public Prosecutions;

(v) A specialized Directorate-General for Human Rights Affairs at the Office of the Minister of Justice.

86. Consideration is currently being given to the establishment of a National Council for Human Rights, which will function as a specialized national mechanism in accordance with the Paris principles and the United Nations resolutions that have been adopted in this regard.

87. All those bodies act as monitoring mechanisms to ensure the effective implementation of all the principles of human rights.

Article 3

88. The permanent, fixed and declared policy of Egypt, in keeping with its national history and its social values, traditions and characteristics which, during the course of several millennia, have been shaped by a civilization that has interacted with and been guided by divinely-revealed religions, is to reject all concepts and principles based on any type or form of discrimination, segregation or preference.

89. Egypt's official and popular positions have confirmed, and have been in conformity with, this policy at all international, regional and national levels, since it is an invariable policy that

cannot be modified or disregarded. Accordingly, Egypt has participated in all the international endeavours that have been made to eliminate anything which, for any reason, detracts from the dignity, rights or freedoms of the human person.

90. The document proclaiming the Permanent Egyptian Constitution expresses this Egyptian national view and confirms those constant aspects of Egyptian policy by stipulating that Egypt firmly believes that peoples can achieve political and social progress only if they are free and able to exercise their independent will, since the dignity and self-esteem of the human person are the rays of light that have guided the tremendous progress that mankind has made towards its ideals.

91. It was on the basis of these fundamental constituents of Egyptian policy that Egypt acceded to all the international instruments concerning the elimination of all forms of discrimination and participated in the drafting of, and subsequently ratified, the African Charter on Human and Peoples' Rights under which the African States undertook to honour their obligation to eliminate all forms of racial discrimination.

92. It is also in keeping with this national view, and with the provisions of article 53 of the Constitution, that Egypt grants the right of political asylum to foreigners who are being persecuted for defending the interests of peoples, human rights, peace or justice.

93. In this way, Egypt guarantees protection and security for non-nationals who are being persecuted for their defence of human and peoples' rights by granting them the right of political asylum, thereby affirming the universality of the principles of human rights and of the obligation to respect them and protect persons who are defending them.

94. Egypt's political positions clearly illustrate its full commitment to international law and resolutions concerning racist regimes and practices wherever and whenever they might be found, as well as Egypt's rejection and condemnation thereof and its participation in all the measures taken by the international community against those regimes and practices and in support of persons who are seeking to put an end to them and demanding the elimination of all forms of discrimination and segregation.

95. We will be referring to Egypt's legislative position on racial discrimination and segregation in the comments on article 4.

Article 4

A. Designation of the dissemination of ideas based on racial discrimination or hatred as an offence punishable by law

96. In conformity with the above-mentioned provisions of the Egyptian Constitution and the provisions of the Convention, which forms part of Egyptian law, the national legislature has designated as punishable offences the acts referred to in paragraph (a) of article 4 in the manner detailed below:

1. The Penal Code (Act No. 58 of 1937)

97. The full legal protection which the Egyptian Penal Code, as amended by Act No. 97 of 1992 promulgated on 18 July 1992, accords to all the public rights and freedoms recognized in the Constitution obviously covers the right to equality, as can be seen from the following:

(i) It is a criminal offence to establish, found, organize or administer any association, body, organization, group or gang which in any way advocates violation of the constitutionally and legally recognized personal liberty or public rights and freedoms of citizens, or which seeks to prejudice national unity and social harmony. Such acts are legally punishable by imprisonment and the penalty for heading such groupings is a term of imprisonment with hard labour (art. 86 bis).

(ii) It is a criminal offence, punishable by up to five years' imprisonment, for any person to join or in any way participate in such a grouping if he is aware of its objectives (art. 86 bis).

(iii) It is a criminal offence, punishable by up to five years' imprisonment, to promote such groupings and their objectives by word of mouth, in writing or in any other manner or to acquire or possess handwritten, printed or recorded material promoting or advocating their objectives or the equipment used to prepare such material (art. 86 bis).

(iv) The penalty for the above-mentioned offences is increased if terrorism, as defined in article 86 of the Code, is among the means used to commit them (art. 86 bis (a)).

(v) It is a criminal offence, punishable by life imprisonment with hard labour, for a member of any of the groupings referred to in article 86 bis to use terrorism to force any person to join such groupings or to prevent any person from withdrawing therefrom (art. 86 bis (b)).

(vi) In addition to the above-mentioned penalties, the Code also permits prohibition of residence or compulsory residence in a particular locality for a period of up to five years (art. 88 bis (d)).

98. It is noteworthy that, in accordance with article 57 of the Constitution, articles 15 and 259 of the Code of Criminal Procedure (Act No. 150 of 1950) stipulate that neither criminal nor civil proceedings in respect of the offences referred to in the above paragraphs are subject to any statute of limitations.

2. The Political Parties Act No. 50 of 1977

99. Article 22 of this Act stipulates that it is a criminal offence punishable by imprisonment to establish, found or organize an illegal party organization and the penalty is increased to a term of imprisonment with hard labour if the said illegal party is hostile to the social order. It should

be noted that one of the conditions for the establishment of a party is that neither its principles, programmes or activities nor the election of its members may be based on discrimination on grounds of gender, origin, religion or belief.

3. The Press Act No. 96 of 1996

100. Pursuant to the provisions of the Convention forming the subject of this report, and in the light of the distinguished Committee's discussions during its consideration of Egypt's previous reports, the Egyptian legislature stipulated in the Press Act that it is an offence to advocate or disseminate racist ideas. Under the terms of article 20 of the Act, journalists have an obligation to refrain from endorsing racist propaganda which derides or advocates hatred of religions, detracts from the beliefs of others or seeks to promote discrimination against, or contempt for, any social communities.

101. Article 22 of the Act prescribes a penalty of imprisonment and/or a fine for any violation of that provision.

B. Prohibition of engagement by organizations in acts or activities which promote racial discrimination

102. Reference has already been made, in the comments on the preceding paragraph, to the penal provisions in which the Egyptian legislature declared it a criminal offence to establish, join, or promote the aims of, organizations which in any way advocate violations of the constitutionally and legally recognized personal liberty or public rights and freedoms of citizens.

103. Since these acts constitute offences, it is prohibited for non-governmental organizations established under the provisions of the Act, or their representatives, to engage therein or in any similar activity. Their commission constitutes a punishable offence in respect of which not only the perpetrator but also the organization is held liable. The Private Associations and Institutions Act No. 32 of 1964 stipulates as follows:

(a) Under the terms of article 2, the establishment of associations in violation of public order or public morality, or for an illicit reason, is invalid.

(b) Under article 33 of the Act, the administrative authority is empowered to halt the implementation of any decision taken by an association if it is contrary to the law, public order or morality.

104. These provisions preclude the establishment or continuation of associations seeking to encourage or promote racial discrimination in violation of the Constitution and public order. They also ensure that no association can take decisions designed to promote or incite racial discrimination.

105. In addition to the above, any decisions or measures taken by any authority which advocate, constitute or are based on racial discrimination, regardless of the legislative enactment under which the authority was established, are deemed to violate the Constitution and the provisions of the Convention. Since the Convention has been incorporated into Egyptian law, all

the authorities are bound by its prohibitions and anyone who suffers detriment as a result of any decision taken in violation of such prohibitions can seek appropriate legal remedy to put an end to the violation and secure payment of compensation, as already indicated in section D of part I of this report.

C. Prohibition of the promotion or incitement of racial discrimination

106. In accordance with the above, and in the light of the constitutional and legal prohibition of all forms of racial discrimination, which constitute criminal acts regardless of the grounds on which they are based, no governmental or non-governmental authority, body or organization in Egypt commits or incites any discrimination. Compliance is monitored by the various constitutional, civil and administrative branches of the judicial authority, which punish any acts, activities or measures that constitute legally designated offences.

Judicial applications

107. Within the context of the endeavours that are being made to combat the terrorist acts and activities to which Egypt is exposed and to which many citizens and foreigners have fallen victim, and in accordance with the penal legislation and the constitutionally and legally recognized principle of the rule of law, the above-mentioned penal provisions have been applied to terrorist groups of extremists which have committed acts that violate the rights and freedoms of others in an attempt to impose their extremist ideology, by force, on social communities. Numerous judicial judgements have applied the legally prescribed criminal penalties for such acts.

Article 5

108. We will be reviewing, in detail, all the rights referred to in the above-mentioned article, as well as the legislation regulating them and the various aspects of their realization. In general, the following facts concerning the legislative and legal aspects should be noted:

(a) All Egyptian legislation applies to all Egyptians, without any discrimination on any ground whatsoever. This is in keeping with the constitutionally recognized principle of equality before the law and judicial monitoring of the constitutionality of laws which, as already explained, falls within the jurisdiction of the Supreme Constitutional Court.

(b) In the rulings that it hands down in constitutional disputes falling within its field of jurisdiction, the Constitutional Court examines any legal texts that might be incompatible or in conflict with the principle of equality and non-discrimination or with other constitutionally recognized rights. It does so in the light of its view of human rights and freedoms based on the provisions of international instruments, including the Convention forming the subject of this report.

(c) Matters of personal status, such as marriage, divorce, child custody and inheritance, are governed by the statutes promulgated in accordance with the religious law of the parties in order to ensure that religious freedoms are respected by avoiding any infringement of religious stipulations concerning these matters.

109. The rights referred to in the above-mentioned article, as well as some judicial applications consisting, in particular, in rulings handed down by the Supreme Constitutional Court, are reviewed below:

A. The right to equal treatment before the tribunals

110. The right to legal remedy is regulated by articles 64 to 69 of the Egyptian Constitution, which stipulate as follows:

> The rule of law is the basis of government in the State (art. 64).
>
> The State is subject to the law. The independence and immunity of the judiciary are fundamental guarantees of the protection of rights and freedoms (art. 65).
>
> Punishment is personal. There is no crime or punishment except as defined by law. Penalties can be imposed only under the terms of a judicial judgement and only after the entry into force of the legislation under which the acts concerned are designated as offences (art. 66).
>
> Every accused person is deemed innocent until proved guilty at a lawful trial in which his right to defend himself is safeguarded. Every person accused of a felony must have a lawyer to defend him (art. 67).
>
> The right to seek legal remedy is guaranteed to all. Every citizen has the right to petition his natural judge. The State must ensure that judicial bodies are accessible to litigants and that cases are settled rapidly. It is prohibited to stipulate in any legislation that an administrative act or decision enjoys immunity from judicial control (art. 68).
>
> The right of defence in person or by proxy is guaranteed. In the case of persons who lack the requisite financial resources therefore, the law provides means of legal redress to enable them to defend their rights (art. 69).
>
> The judicial authority is governed by the provisions of articles 165, 166, 168 and 169, which stipulate that: the judicial authority, consisting in the various types and levels of courts, is independent and hands down its judgements in accordance with the law; judges are independent and, in their administration of justice, are subject to no authority other than the law; no interference in judicial cases or affairs is permitted; judges cannot be removed from office, their disciplinary accountability being regulated by law; court hearings must be held in public unless the court decides to conduct them in camera out of regard for public order or morality; in all cases, judgements must be handed down at a public hearing.

111. In the light of these constitutional provisions and obligations, judicial bodies in Egypt are regulated by the following legislative enactments:

(i) Act No. 48 of 1979 concerning the Supreme Constitutional Court.

(ii) Act No. 46 of 1972 concerning the judicial authority.

(iii) Act No. 47 of 1972 concerning the Council of State.

112. Under the terms of these enactments, everyone has a guaranteed right to seek legal remedy without being impeded by financial costs, assistance being provided in this respect for indigent persons.

113. Article 5 of the Penal Code stipulates that offences are punishable in accordance with the law in force at the time of their commission. If legislation which is more favourable to the accused is promulgated, it is applied in preference to other legislation. If the act committed is rendered permissible by subsequent legislation, enforcement of the penalty is halted.

114. Article 120 of the Penal Code prescribes a penalty of imprisonment and a fine for anyone who in any way seeks to influence the judiciary in favour of a litigant.

Judicial applications

115. The Constitutional Court has referred to the right to legal remedy, as provided for in articles 67 and 68 of the Constitution, in many of its rulings and has established the following important constitutional principles:

116. The right to a legal trial, as provided for in article 67 of the Constitution, implies the right to a fair trial, since the Court has ruled that the right to a fair trial is also guaranteed by article 67 of the Constitution. This right stems from the Universal Declaration of Human Rights, which reaffirms the principle that has long been applied in democratic States. It comprises a number of fundamental safeguards the combination of which guarantees a concept of justice that is consistent with the contemporary standards applied by civilized nations in regard to the composition of the courts, the principles by which they are regulated and the nature of the procedural rules that they apply (ruling handed down in Constitutional Case No. 5, judicial year 15, session of 20 May 1995).

117. The right to legal remedy, as provided for in article 68 of the Constitution, implies that every dispute must ultimately be settled in an equitable and legally satisfactory manner through the procedures needed to remedy any violation of established rights. This satisfactory solution should be guaranteed in accordance with the provisions of the Constitution, which would not be the case if it were left in the hands of a body or authority that lacked independence and/or impartiality, which are the two constitutionally required safeguards that restrict the discretionary power of the legislature to regulate rights. Accordingly, any irregular settlement of a legal dispute would be null and void (ruling handed down in Constitutional Case No. 123, judicial year 19, session of 3 April 1999).

118. In its rulings on the right to legal remedy, the Constitutional Court has stipulated that, in Egypt, this right is guaranteed to citizens and non-citizens with the same safeguards needed for the administration of justice since, under the terms of article 68 of the Constitution, the State has an obligation to ensure that every individual, whether a citizen or a foreigner, enjoys easy access to its courts, as well as the requisite protection for established rights, with due regard for the

basic safeguards needed for the effective administration of justice in accordance with the standards applied in developed countries (ruling handed down in Constitutional Case No. 8, judicial year 8, session of 7 March 1992). In its rulings, the Constitutional Court has stated that the right to legal remedy has three components. First of all, anyone seeking such remedy must obviously be accorded easy access to the courts without financial or procedural obstacles. This is complemented by two other components, in the absence of either of which this right cannot be enjoyed. The second component, namely the impartiality and independence of the court, the immunity of its members and the substantive basis of its practical safeguards, guarantees the contemporary standards under which every person has a full and equal right to a fair trial by an independent legally-established court which adjudicates, within a reasonable period of time, on his civil rights and obligations, or on the criminal charge brought against him, and before which he can submit his case, defend himself and challenge or comment on the evidence submitted by his adversaries on an equal footing. The composition of the court, the basis on which it is regulated and the nature of the substantive procedural rules that it applies are the main features of this second component. The third component is the guarantee by the State of an equitable and satisfactory final settlement, after review, of the dispute in order to remedy any infringement of rights. This satisfactory judicial settlement, which should be legal and in conformity with the Constitution, forms the third and final component of the right to legal remedy (ruling handed down in Constitutional Case No. 81, judicial year 19, session of 6 February 1999).

119. In its rulings on the right to seek legal remedy and to contest or appeal against decisions, the Constitutional Court has stipulated as follows:

120. Legislative provisions under which any act or decision enjoyed immunity from contestation or appeal were unconstitutional insofar as they violated article 68 of the Constitution, which prohibited any legislative stipulation to the effect that an act or decision enjoyed immunity from contestation (numerous rulings, including that handed down in Constitutional Case No. 62, judicial year 4, session of 3 December 1983).

121. Article 19 of Act No. 84 of 1976 establishing the Union of Applied Arts Designers was unconstitutional insofar as it specified a minimum number of members needed to contest the election of the President of the Union and required authentication of the signature of each contester by the competent authority, which violated articles 40 and 68 of the Constitution by hindering the quest for legal remedy, neutralizing its role and limiting its effectiveness (ruling handed down in Constitutional Case No. 15, judicial year 14, session of 15 May 1993).

122. Article 7 of the Statute regulating the hierarchical order of the shari'a courts of summary jurisdiction in some districts (Siwa, El-Arish, Quseir and the Oases) was unconstitutional insofar as it violated the principle of appeal which was applied in similar cases in other districts (ruling handed down in Constitutional Case No. 39, judicial year 15, session of 4 February 1995).

123. Article 18, paragraph 2, of Act No. 48 of 1977 establishing the Faisal Islamic Bank was unconstitutional insofar as the board of arbitration for which it made provision violated the right to seek legal remedy by precluding resort to the ordinary courts in their capacity as the natural judge (ruling handed down in Constitutional Case No. 13, judicial year 15, session of 17 December 1994).

124. The above-mentioned judicial rulings show that the right to seek legal remedy is guaranteed to citizens and foreigners alike and that the fundamental safeguards for the administration of justice are assessed in the light of the standards applied in democratic developed countries.

B. The right to security of person and protection by the State against violence or bodily harm

125. The document proclaiming the Permanent Egyptian Constitution of 1971 states that the dignity of the individual is a natural reflection of the dignity of the nation, since the individual is the cornerstone in the structure of the nation, which derives its status, strength and prestige from the value, labour and dignity of the individual.

126. Article 13 of the Constitution further stipulates that it is prohibited to impose any forced labour on citizens unless such is required by law for the performance of a public service in return for fair remuneration.

127. Under article 42 of the Constitution, anyone whose liberty is restricted by law must be treated in a manner conducive to the preservation of his human dignity, must not be subjected to physical or mental harm and must not be detained at locations that are not subject to the legislation governing prisons. Moreover, any statement that is found to have been made by a citizen as a result of subjection to, or the threat of, such harm is deemed null and void and is not admissible as evidence.

128. Under article 43 of the Constitution, it is prohibited to conduct medical or scientific experiments on any person without his freely given consent.

129. The Egyptian legislature complied with these constitutional provisions when promulgating the Civil Code, the Penal Code and the Code of Criminal Procedure, as can be seen from the following:

1. The Civil Code (Act No. 131 of 1948)

130. Every individual is recognized as a person from the time when he or she is born live until his or her death and even a foetus has certain legally recognized rights (art. 29);

Every person must have a name and a surname (art. 38);

No one has the right to renounce or modify the terms of his legal capacity (art. 48);

No one has the right to renounce his personal liberty (art. 49).

131. Names are protected by law, no one being permitted to use or assume another person's name illicitly or without justification, and anyone who suffers harm in this way has the right to claim damages and to demand the cessation of the illicit use of his name.

2. The Penal Code (Act No. 58 of 1937)

132. The Egyptian Penal Code designates as a criminal offence any act which is harmful to an individual's body, property, honour, dignity or legal personality or which involves forced labour, exploitation, torture or inhuman ill-treatment, as can be seen from the following:

133. The Penal Code contains numerous provisions which stipulate that it is a criminal offence to endanger the life, physical integrity, property or honour of any person.

134. It is a punishable offence for anyone to use forced labour to perform work for any public body or institution, or for a body or institution the assets of which are regarded as public, or to unjustifiably withhold the wages of such workers. If the offender is a public official, the penalty is increased to imprisonment with hard labour for life or for a fixed term, together with dismissal from office (art. 117).

135. It is a punishable offence for a public official to commit or order an act of torture with a view to extorting a confession from an accused person. The penalty is a term of imprisonment with or without hard labour and, if the victim dies, the offender is liable to the penalty prescribed for murder (art. 126).

136. Any public official who orders the imposition on a convicted person of a punishment more severe than that to which the said person was legally sentenced, or a punishment to which he was not sentenced, is liable to a penalty of imprisonment (art. 127).

137. Any public official who, acting in his capacity as such, uses violence incompatible with human dignity or likely to cause physical harm is liable to a penalty of imprisonment (art. 129).

138. Any public official who forces persons to perform work in circumstances other than those in which such is permitted by law, or who uses persons for work other than that for which they have been mobilized by law, is liable to a penalty of imprisonment, together with dismissal, and is obliged to pay fair remuneration to the persons concerned (art. 131).

139. It is a punishable offence to detain or imprison any person without authorization from the competent authorities or to provide premises for such detention. The penalty is increased if such detention is accompanied by threats of death or torture (arts. 280-282).

140. It is a punishable offence to falsely accuse another person, in any manner legally designed as public, of acts which, if true, would entail punishment of the person accused thereof or would bring him into disrepute in the eyes of his fellow citizens (art. 303). It is a punishable offence to abuse any person, in a manner legally designated as public, in any way that would impugn his integrity or standing (art. 306). The penalty is increased if the offence of false accusation or abuse is committed through newspapers or publications (art. 307). The penalty is increased if the false accusation or abuse calls into question the honour of individuals or impugns the reputation of families (art. 308). The penalties prescribed in articles 303, 306 and 308 apply to offences of false accusation or abuse committed by telephone (art. 308 bis).

141. Under article 375, it is a punishable offence to use force, violence, terrorism, threats or illicit means to violate, or attempt to violate, any of the following rights:

(a) Another person's right to work.

(b) Another person's right to employ or refrain from employing any individual.

(c) Another person's right to participate, or refrain from participating, in an association, regardless of whether the acts of coercion are directed against the person concerned, his wife or his children.

142. Under article 375 bis, it is a punishable offence for anyone, in person or through others, to make a show of force or to threaten to use violence or force against a victim, his wife or his children with a view to intimidating him in such a way as to disrupt his security, his tranquillity or his peace of mind, endanger his life or his safety, damage any of his property or interests or detract from his personal liberty, his honour, his reputation or his independent will.

143. The penalty is increased if there are aggravating circumstances, such as a large number of offenders, the use of a weapon or other instrument or commission of the act against a female or a young person under 18 years of age or by lying in wait or in association with the crime of murder.

3. The Code of Criminal Procedure (Act No. 150 of 1950)

144. Article 40, paragraph 2, stipulates that anyone who is arrested or detained must be treated in a manner conducive to the preservation of his human dignity and must not be subjected to physical or mental harm.

145. The above-mentioned legal texts clearly show that the right to enjoy security of person and to be treated with dignity and humanity is guaranteed by the Egyptian legislation in force and that the State has a responsibility to protect that right and to ensure its enjoyment by citizens through the machinery for the administration of justice.

C. Political rights

146. This right is regulated by articles 5, 40, 62, 87, 162 and 196 of the Egyptian Constitution in the following manner:

> "The political order in the Arab Republic of Egypt shall be based on a multi-party system within the framework of the basic constituents and principles of Egyptian society, as specified in the Constitution. Political parties shall be regulated by law" (art. 5).
>
> "The State guarantees equal opportunities for all citizens" (art. 8).
>
> "All citizens have the right of access to public office ... from which they may be dismissed only as a disciplinary measure" (art. 14).

"All citizens are equal before the law and in regard to their public rights and obligations without any discrimination among them on grounds of gender, origin, language, religion or belief" (art. 40).

"Citizens shall have the right to vote and stand as a candidate in elections and to express their opinions in referendums in accordance with the provisions of the law. Their participation in public life is a national duty" (art. 62).

"The electoral districts into which the State is divided shall be determined by law, as shall the number of elected members of the People's Assembly, subject to the proviso that they must not be less than 350 members, at least half of whom must be workers and farmers, who shall be elected by direct secret public ballot" (art. 87).

"Local people's councils shall be formed gradually in each administrative unit through direct elections, on the understanding that not less than half of their members must be workers and farmers. Legal provision shall be made for the gradual transfer of authority to them" (art. 162, para. 1).

"The Advisory Council shall consist of a legally stipulated number of members, which shall not be less than 132. Two thirds of the Council's members shall be elected by direct secret public ballot on the understanding that not less than half of them shall be workers and farmers, the remaining third being appointed by the President of the Republic" (art. 196).

147. The Egyptian legislature has regulated this right in accordance with those constitutional principles in the following manner:

Act No. 73 of 1956 regulating the exercise of political rights

148. Article 1 stipulates that, on reaching the age of 18 Gregorian years, every Egyptian has an obligation to exercise his political rights in person by expressing his opinion in the public referendums that are held in accordance with the Constitution, by electing the President of the Republic and by electing the members of the People's Assembly, the Advisory Council and the local councils, only members of the police and the armed forces being exempted from fulfilling this obligation throughout their period of service (this article was amended by Act No. 202 of 1990, which added the reference to the election of members of the Advisory Council and the local councils).

149. Article 2 stipulates that the only persons who may be banned from exercising their political rights are: persons who have been sentenced to a criminal penalty, unless they have been rehabilitated; persons who have been sentenced to a term of imprisonment for certain offences prejudicial to honour and integrity, unless they have been rehabilitated or their sentences have been suspended; persons placed under guardianship by a court order; and persons who have been dismissed from service in the Government or the public sector.

150. Under article 15 of the Act, a complaint against inclusion or non-inclusion on the lists, due to erroneous information, may be filed with the committee established to that end and the committee's decision may be challenged before the competent court of first instance in accordance with article 17 of the same Act.

151. The first paragraph of article 41 stipulates that it is a punishable offence to use force or threats to prevent a person from expressing his opinion in an election or to force him to express his opinion in a particular manner, the penalty for such an offence being a term of imprisonment or a fine.

The People's Assembly Act No. 38 of 1972, as amended by Act No. 201 of 1990

152. Article 1 stipulates that the members of the People's Assembly shall be elected by direct secret public ballot and the President of the Republic may appoint not more than 10 of its 444 members. Article 15 further stipulates that its members shall be elected by an absolute majority of valid votes. Under the terms of article 4, the People's Assembly is elected for a term of five Gregorian years from the date of its first session and new elections must be held 60 days before the expiration of its current term.

The Advisory Council Act No. 120 of 1980, as amended by Act No. 10 of 1989

153. Article 1 stipulates that the Advisory Council shall consist of 258 members, two thirds of whom shall be elected by direct secret public ballot, the remaining third being appointed by the President of the Republic. Article 3 further stipulates that the members of the Council shall serve for a term of six years, the mandates of half of its elected and appointed members being renewable every three years.

The Local Government Act No. 43 of 1979

154. This Act makes provision for the formation of local people's councils, elected for a four-year term in each governorate, district, town, administrative centre and village in accordance with the rules and procedures laid down in the said Act and in Act No. 73 of 1956 regulating the exercise of political rights.

The Political Parties Act No. 40 of 1977

155. Article 1 stipulates that Egyptians have the right to form political parties and every Egyptian is entitled to join any political party in the manner provided by law. Article 4, paragraph 3, prohibits the establishment of a party on the basis of class, confessional, sectarian or geographical considerations or of discrimination on grounds of sex, origin, religion or belief.

The right of access to public office

156. The appointment of all civil servants, as well as the disciplinary procedures applicable to them, are regulated by law on an objective basis that allows everyone access to public office without discrimination or distinction on any grounds whatsoever.

Judicial applications

157. The Supreme Constitutional Court ruled that the legislative provisions concerning the holding of public elections to the People's Assembly, the Advisory Council or the local councils solely on the basis of party lists was unconstitutional insofar as it denied non-party members the opportunity to participate therein, thereby violating the provisions of articles 8, 40 and 62 of the Constitution (judgement handed down at the session of 16 May 1987 in Constitutional Case No. 131, judicial year 6, concerning the People's Assembly Act; judgement handed down at the session of 15 April 1989 in Constitutional Case No. 14, judicial year 8, concerning the Local Government Act; and judgement handed down at the session of 15 April 1989 in Constitutional Case No. 23, judicial year 8, concerning the Advisory Council Act). The above-mentioned Acts were amended by combining the party list system with election to one seat in each constituency.

158. The Supreme Constitutional Court subsequently ruled that the legal provisions concerning the holding of elections to the People's Assembly by combining the party list with the system of direct election to one seat in each constituency was unconstitutional since it violated articles 8, 40 and 62 of the Constitution by discriminating between categories of candidates on the basis of their differing political opinions (case No. 37, judicial year 9, session of 19 May 1990).

159. The Court ruled that article 4 of the Protection of the Internal Front Act No. 33 of 1978, under which certain categories of citizens were denied the right to vote and stand as candidates, was unconstitutional (judgement handed down in Constitutional Case No. 49, judicial year 6, and judgement handed down in Constitutional Case No. 56, judicial year 6, at the session of 21 June 1986).

160. The Court ruled that article 73, paragraph 6, of the Council of State Act No. 47 of 1972 was unconstitutional insofar as it violated the right of access to public office by prohibiting the appointment to the Council of State of persons married to foreign women (judgement handed down in Constitutional Case No. 23, judicial year 16, at the session of 18 March 1995).

161. In compliance with the rulings of the Supreme Constitutional Court, the legislature amended the above-mentioned Acts by reinstating the system of direct election in all public elections to the People's Assembly, the Advisory Council and the local councils.

162. From the above, it is evident that none of the legislation regulating these rights involves any distinction, discrimination or preference between citizens. Moreover, these rights are also covered by the right to equality before the law, for which provision is made in article 40 of the Constitution.

D. Civil rights

163. We will refer briefly to civil rights in the order in which they appear in the text of the Convention forming the subject of this report:

1. Freedom of movement and residence

164. Articles 50, 51, 52 and 53 of the Egyptian Constitution regulate these freedoms in the following manner:

Article 50 stipulates that no citizen may be prohibited from residing in a specific location or forced to reside in a specific place except in the circumstances provided for by law.

Article 51 stipulates that no citizen may be expelled from his country or prevented from returning thereto.

Article 52 stipulates that citizens have the right to migrate permanently or temporarily, the procedures and conditions for their migration being regulated by law.

Article 53 stipulates that the State shall grant the right of political asylum to any foreigner who has been persecuted for defending the interests of peoples, human rights, peace or justice and prohibits the extradition of political refugees.

165. The legislature has regulated these rights in the following enactments:

The Passports Act No. 97 of 1959, under which every Egyptian is entitled to obtain a passport permitting him to travel abroad or return to his country. A citizen may be prohibited from travelling only in accordance with an order issued by the judicial or public security authorities against which, under the terms of the Act, an appeal can be lodged.

The Entry and Residence of Foreigners Act No. 89 of 1960, which regulates the procedures for the issue of residence permits and the conditions and procedures for their renewal. It also stipulates that a foreigner who has been granted a residence permit may be expelled only by order of the Minister of the Interior, on the ground that he poses a threat to the country's national security or to public health, public morals or public order, after referring the matter to the committee responsible for examining cases of expulsion.

The Migration Act No. 111 of 1983, which regulates the procedures for individual or collective permanent or temporary migration.

Judicial applications

166. The Supreme Constitutional Court has ruled that the measures prescribed in article 48 bis of the Anti-Drugs Act No. 182 of 1960 were unconstitutional on the following grounds. Prohibition of residence or compulsory residence in certain areas, prohibition of the frequentation of certain places or deprivation of the right to exercise a certain profession, in the case of persons previously sentenced for, or convicted of, drug-related offences on more than one occasion, were measures of a punitive nature that violated the principle of the presumption of innocence and placed restrictions on personal liberty without being substantiated by reprehensible acts or conduct (judgement handed down in Constitutional Case No. 49, judicial year 17, at the session of 27 June 1996).

2. The right to leave and return to one's country

167. Article 51 of the Constitution stipulates that no citizen may be expelled from his country or prohibited from returning thereto. Article 52 further stipulates that citizens have the right to migrate abroad permanently or temporarily and that this right, together with the procedures and conditions for migration and departure from the country, shall be regulated by law.

168. The procedures concerning migration are regulated by the Migration Act No. 111 of 1983.

3. The right to nationality

169. Article 6 of the Constitution stipulates that the holding of Egyptian nationality shall be regulated by law.

170. The Nationality Act No. 26 of 1975 defines the circumstances in which nationality can be granted, withdrawn or forfeited. This Act applies to all citizens, without any distinction or discrimination on any grounds whatsoever. The Egyptian legislature applies a theory that combines birthrights with rights arising from length of residence and eliminates cases of statelessness and dual nationality. By law, nationality-related agreements concluded by the State take precedence in this regard.

4. The right to marriage

171. Article 9 of the Constitution stipulates that: "The family, which is rooted in religion, morality and patriotism, is the cornerstone of society. The State shall strive to preserve the authentic character of the Egyptian family, together with the values and traditions that it embodies". Article 10 further stipulates that: "The State undertakes to protect mothers and children". Since marriage is regarded as a matter of personal status, the procedures for its conclusion, validation, annulment and dissolution are regulated by the provisions of each individual's religious law concerning marriage. For example, questions of divorce and maintenance are governed by Act No. 25 of 1929 in cases involving Muslims and, under the terms of article 6 of Act No. 462 of 1955, matters of personal status in the case of non-Muslims are governed by the provisions of the religious law to which the parties concerned are subject. The minimum age for marriage is 16 years for females and 18 years for males. This applies to all religions. It is noteworthy that, although the Egyptian Constitution does not make explicit provision for this right, the Supreme Constitutional Court has ruled that the right to marriage and choice of spouse are universally recognized rights embodied in international human rights instruments and necessarily form part of the right to privacy and freedom of personal life (judgement handed down in Constitutional Case No. 23, judicial year 16, at the session of 18 March 1995). In this connection, the Constitutional Court has also ruled that differentiation between Muslims and non-Muslims in regard to the age of custody for children is unconstitutional insofar as it violates the principle of equality which, in this matter, is not precluded by any Christian teachings.

Judicial applications

172. The Constitutional Court has ruled that article 73 of the Council of State Act No. 47 of 1972, which stipulated that no one married to a foreign woman could be appointed as a member of the Council of State, was unconstitutional insofar as it violated articles 9, 12, 13, 14 and 40 of the Constitution. This ruling was based on the premise that the right to marriage was among the rights derived from the right to privacy and the right to form a family (judgement handed down in Constitutional Case No. 23, judicial year 16, at the session of 18 March 1995).

173. The Constitutional Court has ruled that article 134 of the Personal Status Statute of the Copts and the Greek Orthodox violated the principle of equality in regard to child custody insofar as the age for custody specified therein was lower than the age specified for Muslims (judgement handed down in Case No. 74, judicial year 17, at the session of 1 March 1997). The Court also ruled that article 109 of the Statute of the Armenian Orthodox was likewise unconstitutional (judgement handed down in Case No. 81, judicial year 18, at the session of 4 April 1998).

5. The right to own property

174. Article 34 of the Egyptian Constitution stipulates that private property shall be safeguarded and inviolable; it may be placed under custodianship only in the circumstances provided for by law and under the terms of a judicial order; it may be expropriated only in the public interest and subject to fair compensation in accordance with the law; and inheritance rights in respect thereof are guaranteed. The Civil Code regulates the rights arising from jointly owned private and public property.

175. The Code also regulates the procedures and conditions for the expropriation of property in the public interest, as well as the ways in which such procedures can be contested, and specifies the criteria on which the compensation due in respect thereof should be assessed.

Judicial applications

176. The Supreme Constitutional Court interpreted the text of article 34 of the Constitution, under which private property is protected, as applying to both rights in personam and rights in rem and to property in general, without distinction, on the ground that the property itself constitutes the right and a right has a financial value regardless of whether it is a right in personam or in rem or a right in respect of literary, artistic or industrial copyright. Hence, rights in personam are covered by the above-mentioned constitutional protection (judgement handed down in Case No. 34, judicial year 13, at the session of 4 June 1994).

177. The Court ruled that the legislative provisions under which property owned by natural persons and placed under custodianship in accordance with the Emergency Act could devolve on the State were unconstitutional insofar as they violated the provisions of article 34 of the Constitution under which private property was protected by law (judgement handed down in Constitutional Case No. 5, judicial year 1, at the session of 16 May 1981).

178. The Court has ruled that article 2 of Act No. 134 of 1964 and article 5 of Act No. 49 of 1971, which placed a limit on the compensation payable to persons in respect of their property, were unconstitutional insofar as they violated articles 34 and 36 of the Constitution by infringing personal property rights (judgements handed down in Constitutional Case No. 1, judicial year 1, at the session of 2 March 1985 and in Constitutional Case No. 8, judicial year 8, at the session of 7 March 1992).

179. The Court has ruled that article 55 of Act No. 17 of 1983 regulating the exercise of the legal profession was unconstitutional insofar as it permitted a lawyer and his heirs to assign the lease of his office for the exercise of a profession other than law, thereby infringing private property rights, which are protected under articles 32 and 34 of the Constitution (judgement handed down in Constitutional Case No. 25, judicial year 11, at the session of 27 May 1992).

180. The Court has ruled that the first paragraph of article 208 bis (a) of the Code of Criminal Procedure was unconstitutional and its second and third paragraphs, as well as article 208 bis (b), were invalid insofar as they violated articles 33, 34 and 40 of the Constitution by encroaching on property rights through the placement of assets under custodianship by order of the Attorney-General solely on the basis of evidence found during an investigation that made an indictment probable (judgement handed down in Constitutional Case No. 26, judicial year 12, at the session of 5 October 1996).

181. The Court has ruled that the provisions of article 1 of Act No. 521 of 1955, under which the Minister of Education was empowered to sequester real estate needed by the Ministry of Education and educational institutions, was unconstitutional insofar as the duration of such sequestration was indefinite, being left to the discretion of the Administration, thereby encroaching on property rights in violation of articles 32, 34, 64 and 65 of the Constitution (judgement handed down in Constitutional Case No. 5, judicial year 18, at the session of 1 February 1997).

182. The Court has ruled that the provisions of paragraph (e) of article 1 of the Supply Act No. 95 of 1945 was unconstitutional insofar as it permitted the sequestration of any real property or the assignment of any individual to any work for an indefinite period of time, thereby encroaching on the right to work and to own property in violation of articles 13, 32, 34 and 40 of the Constitution (judgement handed down in Constitutional Case No. 108, judicial year 18, at the session of 1 September 1997).

6. The right to inherit

183. Article 34 of the Constitution stipulates that the right to inherit private property shall be safeguarded. Act No. 77 of 1943 regulates inheritance between Muslims. Act No. 71 of 1946 regulates legacies between Muslims. Act No. 25 of 1944, which regulates inheritance and legacies between non-Muslims, stipulates that the non-Muslim heirs of the deceased may agree to the estate being divided in accordance with the religious law of the deceased.

7. The right to freedom of thought and religion

184. Article 46 of the Egyptian Constitution stipulates that the State guarantees freedom of belief and freedom of religious observance.

185. The Egyptian Penal Code designates as criminal offences any acts which violate that freedom, as illustrated by the following:

186. Article 160 stipulates that it is a criminal offence to:

(a) Use violence or threats to disrupt or interrupt the religious observances or celebrations of any community;

(b) Destroy, damage or desecrate premises intended for the celebration of religious rites, emblems or other articles venerated by the members of a religious community or group of people;

(c) Defile or desecrate graves or cemeteries.

187. Article 161 stipulates that it is a criminal offence to:

(a) Print or publish scriptures that are revered by members of a religious community, whose rites are performed in public, in such a way as to deliberately distort and alter the meaning of the text of those scriptures.

(b) Mimic a religious celebration in a public place or gathering with the aim of ridiculing it or exposing it to public view.

188. The Code prescribes a penalty of detention and/or a fine for such acts, the penalty being increased to imprisonment if they are committed in pursuit of a terrorist objective.

189. These provisions guarantee freedom of, and full respect and criminal protection for, belief and religious observance by prescribing penalties for anyone who violates or encroaches on that freedom.

Judicial applications

190. The Constitutional Court has substantiated its judgements by stating that, in its view, the constitutionally recognized freedom of belief implies that no one should be forced to accept a religion in which he does not believe, renounce a religion that he has embraced or proclaimed or show partiality to a particular religion to the detriment of others by contesting, belittling or disparaging them; on the contrary, religions should show tolerance and mutual respect for each other, since the concept of the right to freedom of belief does not mean that a particular religion should be protected to the detriment of others or that the State should secretly or overtly encourage adherence to a religion that it favours, discourage adhesion to another religion or

penalize a person for adopting a religion that it does not favour, freedom of belief being inseparable from freedom of religious observance (judgement handed down in Constitutional Case No. 8, judicial year 17, at the session of 18 May 1996).

191. The above illustrates the view of the Constitutional Court concerning the right to freedom of religion and belief and the extent to which the national legislature should intervene in order to protect and safeguard that right in order to ensure mutual tolerance and respect between religions.

8. The right to freedom of opinion and expression

192. The Egyptian Constitution recognizes these freedoms in articles 47, 48, 49 and 210, which stipulate as follows:

> Article 47: Freedom of opinion is guaranteed. Everyone shall be entitled to express and disseminate his opinion orally, in writing, graphically or through any other medium of expression, within the limits of the law, self-criticism and constructive criticism being guarantees of the soundness of the national structure.
>
> Article 48: Freedom of the press and of printing, publication and the information media is guaranteed.
>
> Article 49: The State guarantees freedom of scientific research and of literary, artistic and cultural creativity and shall provide the facilities needed for their promotion and encouragement.
>
> Article 210: Journalists have the right to obtain news and information in a legal manner, being subject in their activities to no authority other than the law.

The legislature has regulated these freedoms in the following enactments:

> The Publications Act No. 20 of 1936.
>
> The Copyright Act No. 354 of 1945.
>
> The Censorship of Artistic Works Act No. 430 of 1955.
>
> The Press Authority Act No. 96 of 1996.

193. These enactments regulate the exercise of those freedoms and embody the guarantees needed to protect literary and artistic production, as well as the freedoms of others. They also prescribe penalties for infringement of the copyright of others. The Penal Code protects individuals from detrimental exercise of freedom of publication, as already indicated in the comments on article 4.

Judicial applications

194. The Supreme Constitutional Court has substantiated its rulings by stating that, in its view, freedom of expression is the indispensable cornerstone of any democratic organization and cannot be dissociated from the means for its realization and exercise. Moreover, freedom of expression is linked to the right to freedom of orderly assembly, freedom of speech, freedom of the press and freedom of belief and the legislature should not intervene to impose restrictions that might negate those rights and freedoms (judgement handed down in Constitutional Case No. 2, judicial year 16, at the session of 3 February 1996).

195. The Court has also stated that protection of citizens' freedom of expression and assembly constitutes a barrier against authority and ensures better opportunities for social development (judgement handed down in Constitutional Case No. 30, judicial year 16, at the session of 6 April 1996).

9. The right to freedom of peaceful assembly and association

196. Article 55 of the Constitution stipulates that citizens have the right to form associations in the legally prescribed manner. However, it is prohibited to establish associations the activities of which are opposed to the social system or of a clandestine or military nature.

197. The legislature has regulated this right in the Private Associations and Institutions Act No. 32 of 1964, which stipulates that citizens are free to form associations for the exercise of any activities, with the exception of those that are prohibited in the Constitution. In Egypt, private activity is an important sector that plays a prominent role in various types of social and voluntary work, in scientific and cultural fields, in providing health care and catering for the welfare of the aged, children, orphans and widows, in promoting small income-generating projects and in activities designed to stimulate greater public awareness of human rights and fundamental freedoms.

198. Through the Ministry of Social Affairs, the State has supported the role of private associations in many fields with a view to promoting their voluntary activities, which benefit society by rendering tremendous services to a broad section of the population. The number of local associations established under the terms of Act No. 32 of 1964 amounts to about 15,000 engaged in all fields of activity.

199. Article 54 of the Constitution stipulates that citizens have the right to peaceful and unarmed private assembly, without the need to give prior notice; members of the security forces are not permitted to attend their private gatherings; and public assemblies, processions and gatherings are permitted within the limits of the law.

200. The Public Assemblies Act No. 14 of 1923 regulates the exercise of this right as follows:

Article 1 permits the holding of public assemblies in the legally prescribed manner.

Articles 2-9 stipulate that the public security authorities must be given three days' prior notice of public assemblies, demonstrations and processions in accordance with the

legally specified terms and conditions. Such gatherings may be prohibited if the governor or the police have reason to believe that they might disrupt public order or public security due to their purpose or the location or time at which they are to be held or for any other significant reason. However, under the terms of the Act, an appeal against a decision to prohibit such a gathering may be lodged with the Minister of the Interior.

Judicial applications

201. The right to freedom of assembly involves the constitutionally recognized right to freedom of expression and freedom of the press. This means that, far from being solely a right to express and disseminate opinions orally and in printed form, it also implies a right to receive, read, study and teach those opinions in such a way as to ensure that an understanding and careful consideration thereof will reveal their true nature (judgement handed down in Case No. 22, judicial year 18, at the session of 14 January 1997).

E. Economic, social and cultural rights

202. Comprehensive development is a national issue of primary importance in Egypt. The aim of the last three five-year plans (1982-1997) was to achieve economic stability, prepare the Egyptian economy to face the future, and meet the requirements of a free market and the new worldwide trend towards trade globalization and the international market. As part of its endeavours to this end, Egypt formulated its national strategy on development issues in a document entitled "Egypt and the twenty-first century", published on 15 March 1996, which set forth the country's development strategy to the year 2017. The main features of this strategy are as follows:

(a) Extension of the scope of development to cover all parts of the country and expansion of the populated area from 5.5 per cent to 25 per cent of the country's territory;

(b) Achievement of a 6.8 per cent annual growth rate under the fourth five-year plan (1997-2002) and a 7.6 per cent annual rate during the subsequent 10-year plans;

(c) Doubling of GDP every 10 years;

(d) Increase in the average per capita share of GDP to $4,100 by the year 2017;

(e) Restriction of inflation to a maximum of 5 per cent per year through flexible economic policies;

(f) Creation of an attractive climate for the foreign investments needed for sustained development in collaboration with national capital;

(g) Endeavours to achieve both a budgetary and a trade surplus;

(h) Creation of about 550,000 employment opportunities per year in order to absorb the increasing population, eliminate unemployment by the end of the fourth five-year plan in the year 2002 and increase the number of economically active persons to 26.8 million by the end of the year 2017;

(i) Encouragement of the national private sector to play a role in all fields, restriction of the governmental role to a number of basic services and strategic projects, showing due regard for the social dimension through the creation of a social security network to protect vulnerable social categories, and support for research institutions.

203. The document covered all the economic and social aspects that the development plans will take into account in a balanced, equitable and integrated manner. These future development plans will focus on education, health, family planning, human resources and manpower, population and utilities, and social welfare.

Education

204. With regard to strategies for the development of education and scientific research, the document stipulated that every citizen had a right to education and training, which were the only way to enable citizens to contribute to production and creativity. The objectives of educational programmes were summarized as follows:

(a) To link education to production by promoting technical, agricultural, industrial and commercial education and evaluating the talents of gifted students in order to enable them to continue their education at all levels;

(b) To formulate educational curricula and training programmes in the light of international trends, the results of research and local technological development;

(c) To provide the facilities and incentives needed to promote ongoing education through adoption of the principle of open educational channels;

(d) To develop teaching methods and examination systems in such a way as to determine the abilities and capacities of students to learn through self-education;

(e) To introduce modern technology into the educational process, promote the widespread use of computers and provide schools with Internet connections;

(f) To ensure full enrolment at the primary and preparatory levels during the fourth five-year plan and provision of resources for the construction of 1,500 schools per year;

(g) To achieve full-day attendance at all schools and reduce class density to 38 students at the intermediate level by the end of the fourth plan and 30 students by the year 2017 during the seventh plan;

(h) To achieve full (100 per cent) capacity at the kindergarten level (age group four-six years) by the year 2017;

(i) To increase the enrolment rate to 85 per cent at the secondary level (after its merger with the basic level) by the end of the seventh plan;

(j) To modernize the universities and introduce fields of specialization in keeping with international trends.

Health and family planning services

205. The document stipulates that health policy should be based on the achievement of health for all through:

(a) Construction, expansion and development of public, central and specialized hospitals, rural clinics and health centres and the establishment of first-aid posts on motorways;

(b) Eradication of epidemic and endemic diseases through the promotion of preventive health measures;

(c) Extension of health insurance coverage to all categories and encouragement of charitable and voluntary institutions and the private sector to provide combined health and family planning services;

(d) Encouragement of local production of pharmaceuticals, vaccines, serums, family planning requisites and medical and laboratory equipment;

(e) Support for laboratories and information centres and updating of databases concerning health services;

(f) Promotion of public awareness concerning family planning methods and further reduction of the population growth rate to 1.3 per cent by the year 2017.

Human resources and manpower

206. The document sets forth Egypt's strategy in regard to absorption of the surplus manpower resulting from population growth and increased participation by women in the labour force with a view to reducing and stabilizing the unemployment rate at about 2 per cent by restructuring the labour force through a national training policy designed to meet domestic and foreign labour market needs and provide the technical personnel required in various professions and fields of specialization.

Social development fields covered by the fourth 5-year plan for 1997-2002

207. Act No. 89 of 1997, promulgated on 28 May 1997, confirmed the general objectives of the fourth five-year plan for 1997-2002 as follows:

(a) An increase in production and GDP by 39.9 per cent, i.e. an average of 6.9 per cent per year;

(b) Adoption of an investment services programme at an estimated cost of LE 400 billion for the period of the plan;

(c) Allocation of LE 109.4 billion (27 per cent of the investment services programme) to the social services sector;

(d) Distribution of the social services programme as follows:

Housing	LE 56.9 billion	52 per cent
Utilities	LE 18.3 billion	16.7 per cent
Education	LE 14.8 billion	13.5 per cent
Health	LE 8.8 billion	8 per cent
Other services	LE 10.6 billion	9.7 per cent

208. From the above, it is clear that the social services sector has been allocated a large share (more than one quarter) of the total value of the investment services programme, thereby reflecting Egypt's desire to meet the main requirement for the social development process, namely the citizen's right to housing, a clean environment and educational, health and insurance services, during the next 20 years.

209. Under the terms of Act No. 90 of 1997, concerning the first year of the fourth five-year plan, LE 16,029.7 million (27.6 per cent of the total investment services programme amounting to LE 58,215 million) were allocated to the social services sector and distributed as follows:

Housing	8,134.6 million	50.7 per cent
Utilities	2,910.5 million	18.72 per cent
Education	2,004.5 million	12.5 per cent
Health	1,180.2 million	7.4 per cent
Other services	1,799.9 million	11.2 per cent
Total	16,029.7 million	100 per cent

210. Act No. 25 of 1998, concerning the second year of the fourth five-year plan, detailed this distribution as follows:

	Financial year 1998/99	
Housing	8,639.7 million	47.10 per cent
Utilities	3,457.3 million	18.84 per cent
Education	2,309.4 million	12.60 per cent
Health	1,911.7 million	10.40 per cent
Other services	2,029.5 million	11.06 per cent
Total	18,347.6 million	100 per cent

211. Act No. 25 of 1999, concerning the third year of the fourth five-year plan, detailed this distribution as follows:

	Financial year 1999/2000	
Housing	9,273 million	47.20 per cent
Utilities	4,164.7 million	21.20 per cent
Education	2,643.4 million	8.80 per cent
Health	1,736.1 million	18.84 per cent
Other services	1,836.5 million	9.40 per cent
Total	19,653.7 million	100 per cent

212. The above-mentioned annual plans illustrate Egypt's commitment to the strategic objectives of overall development with a view to ensuring realization of the economic and soc rights of all citizens, without any distinction or discrimination, and improvement of their standard of living in order to achieve the highest possible levels of self-sufficiency.

1. The right to work

213. The Egyptian Constitution of 1971 approaches the right to work from the standpoint o Egyptian society in particular and, more generally, from the standpoint of the consensus of th international community as expressed in international human rights instruments and the labou conventions adopted by the International Labour Organization.

214. Article 13 of the Constitution embodies the principles regarding this right, namely tha work is a right, a duty and an honour, that the State guarantees this right, that outstanding workers should be held in high esteem by the State and society and, finally, that no citizen should be subjected to forced labour except as provided by law for the performance of a publi service in return for fair remuneration. Article 23 stipulates that comprehensive development plans should seek to eliminate unemployment, increase employment opportunities and link wages to productivity. Under article 52, citizens have a right to emigrate permanently or temporarily.

215. Accordingly, the Egyptian Penal Code designates any actual, threatened or attempted violation of the right of others to work or to employ or refrain from employing any person as criminal offence (art. 375). It is also a criminal offence for a public official to commit acts designed to illegally impose forced labour on others (art. 131).

216. In Egypt, labour is regulated by the following legislation:

(a) The Civil Code (Act No. 131 of 1948), articles 674-698 of which contain provisions governing contracts and terms and conditions of employment, the obligations of th employer and the employee and the expiration or termination of the contracts. The provision

the Civil Code in this regard apply insofar as they do not explicitly or implicitly conflict with the special labour legislation. They also apply to categories of workers not covered by that other legislation;

(b) The Labour Act No. 137 of 1981;

(c) Act No. 47 of 1978 concerning civilian employees of the State; and

(d) Act No. 48 of 1978 concerning employees of public bodies and institutions and the public sector.

217. Employment by special bodies and agencies is regulated by separate legislative enactments, such as the Acts concerning employees of judicial bodies, the diplomatic service, the police, the armed forces and monitoring and control agencies such as the People's Assembly and the Central Administrative Accounting and Audit Office. All these Acts specify the respective rights and obligations of employees and their employers. Government employees and persons of equivalent status have a statutory organizational relationship and are subject to the provisions of the relevant Acts. The administrative courts are competent to hear their complaints and appeals against decisions affecting any of their interests or penalties imposed on them and they can be dismissed only in accordance with the disciplinary procedure and through the competent court.

218. In the case of private sector employees, who are subject to the provisions of the Labour Act, the ordinary courts are competent to hear their disputes. The provisions of the Labour Act No. 137 of 1981 do not apply to family members and domestic servants. However, the latter Act does include a separate chapter on occupational health and safety. Under the terms of the Act, anyone able and wishing to work can register with the competent administrative office so that it can propose his candidature for work consistent with his qualifications and experience.

219. Egypt has been a prominent member of the International Labour Organization since its accession to Convention No. 53 in 1939. By the end of 1993, Egypt had acceded to 60 ILO Conventions and therefore ranks among the States that have acceded to the largest number of those Conventions. In accordance with the procedures laid down in article 151 of the Constitution, any treaty to which Egypt has acceded and which has been published in the country's Official Gazette is regarded as forming part of the legislation in force in the country and must be applied by all the authorities, including the judicial authority.

220. With regard to the enjoyment of just and favourable conditions of work, section 2 of chapter III (arts. 32-42) of the Labour Code promulgated in Act No. 137 of 1981 is devoted to wages and the wage-related rights of workers. Article 1 of the Code defines "wage" as all the worker's cash emoluments plus allowances and benefits in kind. The Ministry of Manpower and Migration monitors the implementation of the provisions of the Code in this and other respects through its inspectors in all parts of the Republic who carry out inspections to ensure compliance with the articles of the Code in accordance with a fixed schedule or in response to a complaint. These inspectors, who are vested with the powers of criminal investigation officers in regard to labour-related offences, draw up reports on violations of the provisions of the Code, including those relating to wages. Under article 170 of the Code, fines can be imposed on employers who violate the above-mentioned legal provisions. The Code also recognizes the principle that, in the

event of the employer's insolvency, the wages and entitlements of his workers or their beneficiaries take precedence over all the employer's other debts after the payment of legal expenses and amounts owed to the Public Treasury.

221. The Egyptian Government is giving its full attention to the problem of unemployment, which is one of the main problems affecting the right to work, and is making every endeavour to find appropriate long and short-term solutions to reduce unemployment. The overall measures that the Government has taken to combat unemployment are as follows:

(a) Establishment of the Social Fund for Development, which helps to finance the small projects of young graduates through long-term loans at nominal interest. It also provides technical and technological assistance for those projects;

(b) Distribution of desert land among young graduates for purposes of reclamation, for which all the requisite services and facilities are provided;

(c) Implementation of gigantic projects, such as the Tushka outlet, the project to the east of Tafri'a, the Gulf of Suez project, and the encouragement of national and foreign investment in production projects in order to provide employment opportunities at all levels and absorb surplus manpower.

222. Some unemployment indicators, as well as the principal achievements and obstacles and the measures that are being taken to overcome this problem in Egypt are reviewed below:

223. According to the 1996 census, the labour force, amounting to about 18 million persons, constituted 35.4 per cent of the total population.

224. During the last two years, more than 1 million employment opportunities have been created as a result of increased investment, the launching of gigantic projects and the establishments of a new valley (the Tushka project). The number of persons in employment has evolved in the following manner.

Year	Number of persons in employment (in millions)
1994/95	14.879
1995/96	15.340
1996/97	16.355
1997/98	16.955
1999/2000	18.200

225. This increase has led to the absorption of more new entrants into the labour force and a 7.9 per cent reduction in the rate of unemployment. These figures confirm the need to create 600,000 employment opportunities per year in coming years through projects in the commodity and service sectors in order to absorb the new entrants into the labour force while, at the same time, achieving a steady reduction in the number of persons who are still unemployed.

226. Graduate databases are also being compiled and linked to the databases of the private sector and of employment offices, trade unions and vocational training centres so that a comprehensive policy can be formulated to meet local and external demand for labour.

227. The adverse social consequences of the problem of employment, which reflect Egypt's economic situation as a developing country, are placing a heavy burden on both society and the State.

228. Egypt is aware of the socio-economic dimensions of this serious problem which is affecting the stability and security of society and, consequently, the country's endeavours to overcome this problem have focused on a number of objectives, which can be summarized as follows:

229. The need to reduce the surplus manpower in the governmental and public sectors, since previous policies have led to overstaffing in these sectors.

230. The need to move this and other surplus manpower produced by the population growth, or as a direct result of the policy of free education, into the fields of employment required by the national plans for the development of resources and local and foreign investment.

231. The need to strengthen the role that the local community and the private sector play in the creation of employment opportunities, to provide loans on easy terms for productive activities and to regulate emigration for employment abroad.

(a) The principal achievements

(i) As a result of the policy of economic liberalization and privatization, the wage component of public expenditure declined from 10 per cent of GDP in 1981/82 to 6 per cent in 1991/92.

(ii) The policy of encouraging the private and foreign sectors has enabled them to absorb a larger proportion of the labour force (36.7 per cent during the period 1985-1996 as compared with 10 per cent during the period 1976-1982). The proportion of investments allocated to the five-year plans for the private sector also increased from 39 per cent in the 1982-1987 plan to 42.8 per cent in the 1987-1992 plan and 69 per cent in 1998/99.

(iii) The legislation governing the employment of Egyptians abroad has been amended in such a way as to grant some privileges to persons working in the governmental and public sectors, such as the right to reinstatement in their posts within one year from the date of their resignation. In 1991/92, the number of Egyptians working abroad amounted to 2 million.

(iv) Two institutes have been established for male and female orphaned children in which they enjoy full boarding facilities and receive primary and preparatory education. The curriculum includes training in a number of trades and crafts, such as carpentry, metalworking, plating, the leather and textile trades,

decoration, painting, the ready-made clothing trade, embroidery and brocade, and the graduates of these two institutes are granted appropriate amounts of money to begin their working lives on completion of their studies.

232. The numerous employment opportunities provided by the Social Fund for Development include:

Permanent jobs

233. Through the provision of small loans to help young persons of both sexes to embark on new projects in various economic fields or to enable existing entrepreneurs to expand their businesses, or through income-generating projects or extremely small loans.

Temporary jobs

234. Through the implementation of labour-intensive infrastructural projects such as road construction, sewage and water supply networks and public buildings in remote and deprived rural areas, or through the employment of young graduates of both sexes in literacy programmes for adults and school drop-outs in all parts of the Republic.

(b) The principal obstacles

235. The problems and obstacles impeding Egypt's endeavours to combat unemployment are largely confined to the difficulty of securing the investments needed to increase the absorption capacity of the labour market and maximize the productive development potential of national resources.

(c) Counter-measures taken

236. The future development plans will seek to overcome these obstacles through the achievement of the following objectives of the Egyptian National Population Strategy:

(i) A 5.7 per cent increase in productivity by the year 2002 and a 6.2 increase by the year 2007 through the use of modern production methods and the formulation of maintenance, replacement and renewal programmes and programmes to improve the effectiveness of training.

(ii) A reduction in the illiteracy rate in the labour force to 29 per cent by the year 2002 and 22 per cent by the year 2007 through the preparation of literacy programmes for workers and craftsmen employed in the governmental, public, agricultural and private sectors, with appropriate programmes for each field of activity.

(iii) A reduction in the proportion of children (under 15 years of age) in the labour force to 3.3 per cent by the year 2002 and 2.5 per cent by the year 2007 through strict application of the laws prohibiting the employment of children and by raising the minimum age for employment.

(iv) An increase in the proportional participation by women in the labour force to 16 per cent by the year 2002 and 18 per cent by the year 2007 through more effective literacy and training programmes, especially in rural areas, and the establishment of nurseries at places of work.

(v) A reduction in the unemployment growth rate to 0.5 per cent per year by promoting infrastructural projects and encouraging the local private sector through the Social Fund.

(vi) A reduction in economic dependency rates by increasing the economic growth rate through encouragement of foreign and local investment and encouragement of serious participation by the private sector in production fields.

(vii) Publication of a national employment bulletin to announce job opportunities at home and abroad in order to make it easier for job-seekers to take advantage of those opportunities.

Judicial applications

237. At its session held on 3 July 1995, the Supreme Constitutional Court ruled, on the Petition for Interpretation No. 1, judicial year 17, that the right of workers to enjoy just and favourable conditions of work was inseparable from their right to a fair wage, without discrimination unrelated to the value of the work, and was likewise inseparable from their right, on separation from service, to the holidays due to them but which they had not yet taken.

238. The Court ruled that paragraph 2 of article 21 of Act No. 17 of 1983 regulating the exercise of the legal profession was unconstitutional insofar as it violated the right to work and the principle of equality by depriving persons over a certain age of the right to be included on the public roster even though they met the conditions of membership (judgement handed down in Constitutional Case No. 39, judicial year 17, at the session of 16 May 1996).

239. The Court ruled that article 1, paragraph (e), of the Supply Act No. 95 of 1945 was unconstitutional insofar as it permitted any person to be assigned to any work for a specified period, thereby violating the right to be assigned solely to administrative work (judgement handed down in Constitutional Case No. 108, judicial year 18, at the session of 1 September 1997).

240. The Constitutional Court substantiated its rulings by stating that any discrimination unrelated to the pertinent conditions in accordance with which the work should be performed was prohibited by the Constitution regardless of whether the discrimination was in the form of economic consequences or detrimental to the working environment itself (judgement handed down in Constitutional Case No. 30, judicial year 16, at the session of 6 April 1996).

2. The right to form trade unions

241. The trade-union movement in Egypt has a long history and the legislature intervened to regulate trade unions in a number of legislative enactments until the right to establish trade unions was recognized in the Permanent Egyptian Constitution promulgated in 1971.

242. Article 56 of the Egyptian Constitution recognizes the right to establish trade unions in the following manner:

> "The establishment of trade unions and federations on a democratic basis is a right guaranteed by law. They shall enjoy corporate personality.
>
> The participation of trade unions and federations in the implementation of social plans and programmes, improvement of levels of competence and promotion of socialist conduct among their members and protection of their funds shall be regulated by law.
>
> They shall have an obligation to call their members to account for their behaviour during the exercise of their activity in accordance with moral codes of honour and to defend the legally recognized rights and freedoms of their members."

243. The Trade Union Act No. 35 of 1976, which was promulgated after the Permanent Egyptian Constitution, contained the following rules:

(a) Its provisions apply to all workers in the State, regardless of whether they are employed by central or local government authorities, public bodies, the public, private or cooperative sectors or the business management, investment or joint sectors, including workers in agriculture and domestic service (art. 2).

(b) The Act defines the aims of trade-union activity as protection of legitimate rights, improvement of terms and conditions of employment, enhancement of the trade-unionist, professional, health, social and economic standards of workers and their families and participation in the implementation of development plans and international activities (art. 8). Thrift and fellowship funds, cooperative associations and sports clubs may also be established.

(c) A worker is free to join or withdraw from a trade union (art. 3).

(d) The structural organization shall take the form of a pyramid with levels ranging from the trade-union committee in the enterprise to the occupational trade-union committee, the general trade union and the Trade Union Confederation (art. 7). These levels shall be constituted through election and free choice (art. 32).

(e) The Act places no restrictions on trade-union activity other than the obligation to comply with the provisions of the law, not to take any decision or engage in any act which would constitute a legally designated offence, such as incitement to hatred, contempt or overthrow of the system of government, not to abandon work or use force, violence, terrorism or threats and

not to violate the rights of others to work, to employ or refrain from employing any person or to join an association (art. 70). These restrictions are necessary in order to preserve national security, public order and the rights of others.

(f) The Act permits full-time trade-union activity and prohibits the dismissal or suspension of a worker who is a member of the executive of a trade union except under the terms of a court order (arts. 45 and 48).

(g) Workers employed in similar interrelated occupational or industrial groups may form a single country-wide general trade union, provided that it confines its activity to the occupations or industries that it covers (art. 13).

(h) The general trade unions jointly constitute the Trade Union Confederation, which is the apex of the trade-union system.

(i) The trade-union structures include congresses and executives. The congress, in which all the members of the union are represented, elects the members of the executive and the congress of the Confederation, consisting of representatives of the general unions elected by their executives, elects the executive of the Confederation (arts. 30-37).

244. A number of legislative enactments have been promulgated establishing occupational unions such as the Bar Association and unions for medical, technical and other professions.

Statistical indicators

Number of trade-union organizations in Egypt	1,621
Number of elected members of their executives	120,514
Number of members of congresses	3,207,137

Relevant international conventions to which Egypt has acceded:

Egypt has been a party to the ILO Freedom of Association and Protection of the Right to Organize Convention No. 87 since 6 November 1957. In this connection, reference can be made to Egypt's reports submitted to the ILO Committee of Experts.

Judicial applications

245. The Supreme Constitutional Court, exercising its power to monitor the constitutionality of legislation, which represents the principal legal safeguard against violations of constitutional guarantees by the legislature, has ruled as follows in some cases brought before it:

(a) The Supreme Constitutional Court ruled that some of the provisions of the Bar Association Act No. 125 of 1981 permitting the removal from office of the president and members of the executive of the Association before the expiration of the term for which they were elected by the electoral body were unconstitutional insofar as they allowed those persons to

be dismissed from their posts without the approval of the electoral body, consisting in the General Assembly of the Association, thereby annulling their election in violation of the principle of trade-union freedom recognized in article 56 of the Constitution, which makes provision for the establishment of trade unions and federations on a democratic basis (Constitutional Case No. 47, judicial year 3, session of 11 June 1983).

(b) The Supreme Constitutional Court ruled that the first paragraph of article 38 of Act No. 35 of 1976 was unconstitutional insofar as it permitted no more than 20 per cent of the members of a trade-union executive to simultaneously serve as working members of a professional association, thereby violating the principles of freedom of expression and association, freedom to vote and stand as a candidate in elections and equality before the law (Constitutional Case No. 6, judicial year 15, session of 15 April 1995).

(c) The Court ruled that paragraph 6 of article 2 of Act No. 73 of 1973, specifying the conditions and procedures for the election of workers' representatives to boards of directors was unconstitutional insofar as it failed to preclude the risk that holders of senior posts might stand as candidates for membership of a board, thereby violating the principle of equality and allowing discrimination among workers of similar legal status on non-objective grounds (judgement handed down in Constitutional Case No. 17, judicial year 14, at the session of 14 January 1995).

3. The right to housing

246. One of the main consequences of the problem of population growth has been its effect on the right to housing. The primary aim of government policy is to control the population growth rate so that the requisite plans can be formulated to deal with the effects of the burdens resulting from the increase in the population. The plans to curb the population growth rate have been remarkably successful insofar as the annual growth rate has been stabilized at 2.1 per cent throughout the period from 1996 to 1999 and ongoing plans and programmes are being implemented with a view to achieving a further reduction.

247. This decline in the population growth rate has helped to ensure progress in the housing-related development plans. These development plans have led to a notable increase in the number of housing units and emphasis has recently been placed on the formulation of intensive plans and programmes for the construction of low-cost housing units for young couples.

248. The shortage of financial resources, which is the main obstacle impeding implementation of the ambitious programmes in this connection, is being remedied through contributions by businessmen and investors and soft loans provided by international organizations and friendly States. Cooperative associations are also playing an important role in this sector by providing their members with housing units at cost price.

249. The endeavours that the Government is making in the housing sector are illustrated by the fact that the investments channelled into this sector amounted to LE 92 billion during the last two years 1996-1998, during which the following was achieved:

(a) The number of housing units constructed amounted to 228,000, of which 210,000 were in urban areas and 18,000 in rural areas.

(b) In 1997/98, the governmental sector provided about 59,000 housing units through soft loans to a total value of LE 585 million for persons on a low income and earmarked LE 610 million for such soft loans in 1998/99.

Objectives of the National Housing Plan

(a) Provision of appropriate housing for low- and limited-income categories, who constitute about 85 per cent of the urban population.

(b) Construction for indigent categories through the granting of loans on easy terms (up to LE 15,000 per housing unit at a subsidized rate of interest of 5 per cent per annum) repayable over a period of 40 years, with a three-year period of grace, in monthly instalments not exceeding LE 73, the difference between this interest rate and the prevailing market rates being borne by the State.

250. The first phases of eight new townships have been completed and a start has been made on the first phases of a further 11 townships and residential areas. A total of 32,299 housing units have been provided in these new townships.

251. A pilot project to provide young persons with 73,000 housing units of various sizes (63, 70 and 100 m^2) for which soft loans amounting to more than LE 1 billion were granted began in 1996 and has now been completed. This project, to the cost of which the State has contributed more than LE 1 billion in subsidies, has made about 18,000 new housing units available to young Egyptians every year since 1997.

252. A national programme for the development of shanty towns (of which there are about 961) has been launched. Of these, 88 will be rehabilitated and 81, which cannot be renovated, will be demolished. A total of LE 3.8 billion has been allocated for investment in the first phase of this development project.

253. In March 1998, a start was made on a hitherto unprecedented solidarity project (the "Housing for the future" project for persons with limited income) the aim of which is to provide 70,000 housing units over a period of six years. The State will meet half the cost of these units and will also provide the land, with connections to utilities and all the basic services, the other half of the cost being met through voluntary contributions from charitable citizens. The total cost of this project, which will be implemented in successive phases, is estimated at LE 210 million.

4. The right to health care and social security

(a) Health care

254. The right of citizens to health care of all types and at all levels is based on the provisions of articles 16 and 17 of the Egyptian Constitution, under which the State undertakes to provide health services for individuals, to improve their standard and to make health insurance services available to all citizens.

255. In accordance with this right which is recognized and protected by those constitutional principles, to which all the State authorities and institutions are committed, numerous legislative enactments and decrees have been promulgated to ensure health and health insurance coverage for all citizens, including administration of the compulsory vaccinations to prevent epidemic, endemic and occupational diseases.

256. In Egypt, the health system comprises numerous organizations, bodies and institutions that provide services for citizens. The Ministry of Health which, through its material and human resources, is the main contributor to the health system provides its services through a wide network of primary health-care units and centres which are found in all urban and rural residential areas. It provides general and specialized health services at large institutions in the administrative centres of the governorates and at smaller institutions and primary care units in district centres.

257. Health services are also provided by health insurance schemes, medical treatment foundations and some non-governmental organizations (charitable and religious associations), in addition to universities, schools and the private sector.

258. The health services provided by the Health Insurance Authority cover workers, pensioners and widows (students have also been included since 1993) in return for subscriptions paid by the beneficiaries, their employers or their organizations. The Authority runs a network of 25 hospitals and 116 clinics distributed among 16 governorates. The number of insured persons amounted to 5,120,000 in 1993, to which a further 10 million students have since been added.

259. The medical treatment foundations, which are government institutions, run a large number of hospitals in the Governorate of Cairo and in some of the governorates in Lower Egypt. Their services are enjoyed by students and workers under the terms of contracts, by other individuals at reduced rates, and are provided free of charge to the victims of accidents. The Ministry of Health funds the services that are provided independently to low-income categories.

260. The wide network of charitable associations and private clinics and hospitals provide a full range of services for all. The lowest fees are charged by the charitable associations and the highest by the private investment hospitals. The number of private associations operating in the field of health care amounts to 573 and the number of direct beneficiaries exceeds one and a half million.

261. As part of its obligation to provide health care for citizens, the State operates a system under which, in certain cases, citizens can travel abroad for treatment at the State's expense when treatment is not available within the country. In other cases involving extremely expensive treatment, the State bears the costs of treating patients in Egypt.

Effects of the enjoyment by citizens of the right to health care

262. In the health field, Egypt has achieved considerable progress in its pursuit of the goal of tackling health-care problems in a serious manner. In this regard, the development plans have four main components: plans concerning the institutions needed for health coverage, plans to provide trained technical personnel, plans to promote health awareness at the national level and plans to improve the standard of health services and enhance the performance of the bodies and institutions providing them.

263. The development of health services during the period from 1981 to 1993 is illustrated by the following statistical indicators:

16.2 per cent increase in the number of beds at government hospitals;

88 per cent increase in the number of beds at health insurance hospitals;

59 per cent increase in the number of beds at medical treatment foundation hospitals;

56 per cent increase in the average attendance at outpatient clinics;

56.5 per cent increase in the number of inpatients;

74.4 per cent increase in the number of surgical operations performed;

The number of hospitals and health service units amounted to 6,634 in 1993, representing an increase of 4.9 per cent in comparison with 1988;

The number of endemic disease prevention units amounted to 3,364 in 1993, representing an increase of 4.6 per cent in comparison with 1988;

The number of medical treatment units in rural areas amounted to 2,732 in 1993, representing an increase of 2.6 per cent in comparison with 1988;

The number of maternal and child care service units amounted to 2,961 in 1993, representing an increase of 2.1 per cent in comparison with 1988.

264. The success of the plans to ensure more efficient implementation of the health-care programmes led to an improvement in the general health of citizens, whose life expectancy has increased from 60.5 to 67.5 years in the case of males aged 13 and above and from 63.5 to 71 years in the case of females.

265. The statistics contained in the publication annexed hereto illustrate the development of health services in recent years.

Prevention of epidemic, endemic and occupational diseases

Endemic diseases

266. Endemic diseases are one of the basic targets of health-care plans in Egypt. As a result of these plans, units for the treatment of endemic diseases (comprising hospitals, rural units, mobile clinics and patient treatment centres) can now be found throughout the country where their number amounted to 3,148 units in 1993. The number of endemic disease prevention units (which are endeavouring to provide protection against bilharziasis, malaria and yellow fever and combat mosquitoes, diarrhoea and diseases caused by dehydration) has also increased.

Preventive medicine

267. The endeavours made in this field cover many aspects, the most important of which are the operation of national monitoring systems to control the quality of the air, Nile water and locally produced and imported foodstuffs and to organize national compulsory vaccination campaigns as a preventive measure. These endeavours have succeeded in achieving a 95 per cent coverage rate for the compulsory vaccinations, as a result of which:

The incidence of severe flaccid paraplegia declined to 0.8 per cent per 100,000 children under 15 years of age.

The incidence of neonatal tetanus declined to 0.8 per cent per 1,000 live births.

The incidence of diphtheria declined to 0.05 per cent per 100,000 of the population.

The incidence of measles declined to 4.9 per cent per 100,000 children under 15 years of age.

268. The preventive endeavours include health measures and quarantine procedures to prevent the spread of epidemic and other diseases, particularly AIDS, and ensure the permanent health control of persons travelling abroad or returning therefrom, depending on their place of destination or departure.

Occupational diseases

269. With regard to the prevention of occupational diseases, the Labour Act No. 137 of 1981 contains all the stipulations required under the provisions of the ILO Occupational Safety and Health Convention, to which Egypt is a party. All places of work, including those of a governmental nature, are subject to the provisions of the Labour Act in this regard and all enterprises are subject to periodic inspection to ascertain compliance with those stipulations. The competent authorities have an obligation to organize training courses to improve the efficiency and performance of persons working in the field of occupational safety and health.

270. Any violation of those stipulations constitutes a punishable offence for which the offender bears criminal responsibility.

271. With regard to the treatment of occupational diseases, the labour authorities ensure that workers afflicted with these diseases are treated under the health insurance schemes and workers suffering from chronic diseases also enjoy special benefits, such as exceptional periods of leave on full pay until they are cured or until their situation stabilizes, under the terms of Act No. 112 of 1963 and Ordinance No. 259 of 1995, promulgated by the Minister of Health, specifying the chronic diseases that give rise to an entitlement to exceptional leave on full pay.

272. In this connection, a National Centre for Industrial Safety Studies has been established to examine and analyse serious accidents with a view to their future prevention, to conduct applied engineering and human research in this field and to organize training courses to promote greater preventive environmental awareness among workers. This Centre is equipped with special laboratories to analyse samples and conduct the necessary tests.

Judicial applications

273. The Supreme Constitutional Court ruled that paragraph (a) of article 3 of the Students' Health Insurance Act No. 99 of 1992 was unconstitutional insofar as the contributions that it required from students of private schools were higher than those required from other students, thereby violating the right to equality (judgement handed down in Constitutional Case No. 40, judicial year 16, at the session of 2 September 1995).

(b) Social security

274. Article 17 of the Constitution of the Arab Republic of Egypt stipulates that: "The State guarantees social and health insurance services and benefits in the event of incapacity to work, unemployment and old age for all citizens in the manner provided by law."

275. The State has carefully formulated a number of social insurance schemes appropriate to the socio-economic living conditions prevailing in society. Each insurance scheme covers the insured categories against all types of risks by appropriate means designed to eliminate those risks or mitigate their effects on the lives of the insured persons.

276. Although the insurance schemes in the Arab Republic of Egypt differ in regard to their sources of funding or their management, they all operate within the general framework of social and health insurance services.

277. With regard to their sources of funding, the insurance schemes are divided into two categories: schemes which are partly funded by the beneficiaries and other schemes which are funded solely by the Public Treasury.

Social insurance schemes which are partly funded by the beneficiaries

(i) The Social Insurance Act No. 79 of 1975

278. Initially, the Egyptian legislature made provision only for Government employees, to whom retirement pensions were granted in accordance with the Ordinance promulgated on 26 December 1854. The social risks were covered in subsequent legislation, culminating in the Civil Pensions Act No. 50 of 1963.

279. On 1 April 1956, social insurance became applicable to persons working for non-governmental bodies in the form of a savings scheme which was subsequently developed into an insurance scheme under the terms of Act No. 92 promulgated on 1 August 1959, which made provision for insurance coverage in the event of old age, incapacity, death and industrial accident.

280. On 1 April 1964, the Social Insurance Act No. 63 of 1964 added insurance against sickness and unemployment.

281. On the occasion of the establishment of the Ministry of Social Insurance on 28 March 1973, due to the similarity between the Governmental Civil Pensions Act No. 50/1963 and the Social Insurance Act No. 63 of 1964, it was decided to combine the two schemes. Accordingly, the Social Insurance Act No. 79 of 1975 was promulgated on 28 August 1975 and entered into force on 1 September 1975. This Act covered all categories of employees in the various sectors, provided them with equal insurance coverage and replaced the previous legislation.

282. The Social Insurance Act No. 79 of 1975 made provision for the following social insurance services:

(a) Retirement, incapacity and life insurance;

(b) Industrial accident insurance;

(c) Health insurance;

(d) Unemployment insurance;

(e) Pensioner's welfare insurance.

Scope of application of Act No. 79 of 1975

(a) Civilian employees of the State administration and of public bodies and economic units attached thereto or other economic units in the public sector.

(b) Workers subject to the provisions of the Labour Act who meet the following conditions:

(i) The insured person must be over 18 years of age;

(ii) There must be a regular employment relationship between the insured person and the employer;

(iii) Persons engaged in work connected with domestic service, with the exception of those working in private houses, provided that the work that they perform is manual and intended to meet personal needs of the employer or his family;

(iv) Persons engaged in contractual work and in loading and unloading operations;

(v) Foreigners subject to the Labour Act who hold the nationality of a State which has ratified the ILO Equality of Treatment Convention No. 19 of 1925, as well as foreigners who hold the nationality of a State which has not ratified that Convention provided that the duration of their contract is not less than one year and that a reciprocal treatment agreement has been concluded.

Funding of Act No. 79 of 1975

(a) The cost of funding the retirement, incapacity, life and health insurance components of this scheme is shared between the insured person and the employer.

(b) The contributions to the industrial accident and unemployment insurance components are borne solely by the employer, at no cost to the beneficiary.

Distinguishing features of the Social Insurance Act No. 79 of 1975

283. In addition to the various aforementioned types of insurance, the Act offers the following further advantages:

(a) The insurance contributions are calculated on all components of the wage, including incentives, commissions and special or supplementary allowances;

(b) The insured person enjoys guaranteed medical care through the network of hospitals and clinics of the Health Insurance Authority;

(c) Provision is made for additional benefits such as supplementary compensation, death benefit, funeral expenses, lump-sum commutation of part of the pension, and entitlements in respect of missing persons.

(ii) Act No. 108 of 1976, concerning social insurance for employers and persons of equivalent status

284. This Act, which superseded Act No. 61 of 1973, applied some of the provisions of the Social Insurance Act to employers. The social insurance scheme provided for under the terms of this Act includes retirement, incapacity and life insurance.

285. Some other types of insurance provided for in the Social Insurance Act No. 79 of 1975 may also apply to the insured person on the conditions and in the circumstances specified by decision of the President of the Republic.

Scope of application of Act No. 108 of 1976

(a) Self-employed individuals engaged in commercial, industrial or agricultural activity, craftsmen and other self-employed persons providing services;

(b) Full partners in partnerships;

(c) Persons engaged in liberal professions;

(d) Self-employed productive members of cooperative production associations;

(e) Owners of an area of 10 feddans or more of agricultural land;

(f) Holders of an area of 10 feddans or more of agricultural land regardless of whether they are owners and/or tenants or sharecroppers;

(g) Owners of built-up real estate whose individual share amounts to LE 250 or more of its annual rental value;

(h) Owners of vehicles for the transport of passengers or goods;

(i) Officials legally authorized to solemnize marriages, and commissioned notaries (other than monks);

(j) Authors and artists;

(k) Mayors and sheikhs;

(l) Tourist guides and escorts;

(m) Commercial agents;

(n) Members of boards of directors and managing directors of joint-stock companies in the private sector;

(o) Managers of limited liability companies.

Some other categories may also benefit from the provisions of this Act by decision of the President of the Republic.

286. The insured person pays contributions on the basis of the contributory income that he chooses from the incomes listed in the schedule annexed to the Act.

Distinguishing features of the Social Insurance Act for employers

(a) Retirement pensions.

(b) Incapacity pensions.

(c) Pensions for beneficiaries.

(d) Additional entitlements for the insured person and his beneficiaries.

(iii) Act No. 50 of 1978 concerning social insurance for Egyptians working abroad

287. Egyptians working abroad may benefit from this voluntary scheme if they so desire. The social insurance scheme provided for in this Act covers retirement, incapacity and life insurance.

288. Some other types of insurance provided for in the Social Insurance Act No. 79 of 1975 may also apply to the insured person on the conditions and in the circumstances specified by decision of the President of the Republic.

289. The categories entitled to benefit from Act No. 50 of 1978 are:

(a) Workers holding personal contracts of employment abroad. However, workers who retain their posts in the Arab Republic of Egypt but work abroad on secondment or during special leave authorized by their employers remain subject to the provisions of the Social Insurance Act No. 79 of 1975 while working abroad during the period of their secondment or special leave.

(b) Persons working for their own account abroad (persons working for their own account within the country are covered by the general social insurance scheme promulgated in Act No. 108 of 1976 and Act No. 112 of 1980).

(c) Persons holding personal employment contracts with offices of international or regional organizations located in the Arab Republic of Egypt.

(d) Emigrants in the above categories who retain their Egyptian nationality, subject to the condition that only insured persons over 18 and under 60 years of age can benefit from the scheme.

Social insurance schemes which are funded solely by the Public Treasury

(i) The Social Security Act No. 30 of 1977

290. The aim of this Act was to provide financial security for families, particularly those which were not covered by social insurance schemes, and also to provide relief in cases of emergency. The Act made provision for the following insurance services:

Social security pensions

291. This Act made social security services available to the following categories of citizens who were not receiving any pensions under the terms of the social insurance legislation: orphans, widows, divorced women, the children of divorced women who had died or remarried or who were serving prison sentences, the totally incapacitated, women over 50 years of age who had never married, the families of persons serving a term of not less than 10 years' imprisonment, the aged and elderly married women.

Monthly assistance

292. Monthly cash allowances are payable to needy individuals and families not entitled to the above-mentioned monthly pensions in the following cases: pregnant women, infant children, partially incapacitated persons, sick persons, the families of persons serving a term of not less than 10 years' imprisonment and families without a breadwinner.

Other assistance

293. Other forms of assistance include relief in the event of general or personal disasters, the provision of single lump-payments or assistance in kind to enable needy individuals or families to implement a project or meet education expenses, urgent requirements or exceptional circumstances.

294. Assistance is also granted to former employees and their families in the event of sickness, marriage of daughters or sisters, children's education expenses, low income and urgent requirements.

(ii) Act No. 112 of 1980 concerning social insurance for categories of manpower not covered by other legislation

295. Act No. 112 of 1980 completed the insurance coverage for citizens by making provision for the following categories of manpower which were not covered by the Pensions and Social Insurance Acts: temporary workers in the agricultural and fishing sectors, persons working in the transport sector, small-scale self-employed tradespeople, owners and tenants of small plots of agricultural land, domestic servants and persons suffering from leprosy or recovering from tuberculosis who are enrolled at vocational training and rehabilitation centres. Pensions are payable, subject to the conditions laid down in the Act, when the insured person reaches the age of 65, is certified as suffering from a permanent total disability, or dies.

Improved benefits

296. In order to maintain a balance and periodically increase the benefits, the State has promulgated a series of legislative enactments which increased the pension entitlements under

the above-mentioned insurance schemes. The most recent of these enactments were Act No. 20 of 1999 concerning persons covered by the Social Insurance Act and Act No. 22 of 1999 concerning persons covered by the Social Security Act and Act No. 112 of 1980.

Application-related aspects

297. These insurance services have been developed through computerized data processing systems, in which 52.5 million insured persons were registered by 30 June 1999, with a view to improving the speed, regularity and efficiency of the services. The system for the receipt of pensions at home has been expanded and the standard of competence of the persons working in this field is constantly being improved.

Statistical indicators

(a) Number of insured persons: 15.4 million citizens on 30 June 1993; 17.9 million citizens on 30 June 1998.

(b) The total value of the pensions and compensation paid rose from LE 2.2 billion in 1988/89 to LE 8 billion in 1997/98.

(c) The number of pensioners and beneficiaries rose from 5.2 million citizens in 1988/89 to 6.5 million in 1997/98. These figures do not include persons receiving social security benefits.

(d) The number of locations at which entitlements were payable amounted to 13,345 on 30 June 1998.

Judicial applications

298. The Constitutional Court ruled that article 1 of Act No. 1 of 1991, amending the Social Insurance Act No. 79 of 1975, was unconstitutional insofar as it made entitlement to the modified minimum pension conditional on the beneficiary being in service on a specified date, thereby violating the principle of equality (judgement handed down in Constitutional Case No. 34, judicial year 13, at the session of 20 June 1994).

299. The Court also ruled that the legislative provisions requiring suspension of payment of the pension if the beneficiary engaged in lucrative employment were unconstitutional insofar as they violated the pension entitlement arising from the beneficiary's relationship with his original employer (judgement handed down in Constitutional Case No. 16, judicial year 15, at the session of 14 January 1995 and judgement handed down in Constitutional Case No. 3, judicial year 16, at the session of 4 February 1995).

5. The right to education and training

300. Culture and education are among the cherished values which Egyptians hold in high esteem by virtue of their history and their time-honoured civilization. In fact, culture and education are among the national issues to which successive Egyptian Governments have accorded their full attention not only as a token of commitment to the constitutional principles, to the international Conventions to which Egypt has acceded or to the laws in force, but also as an expression of the firm conviction that education is the only way to approach and truly begin the reform and development processes needed for social progress, since it is the most effective means to nurture and utilize the unlimited capacities of human resources.

301. In keeping with this national awareness of the importance of culture and education, all the governmental, private and other bodies concerned have participated in the nationwide endeavours to promote education and the cultural and educational development plans are being implemented in conjunction with all the other development plans in a parallel and integrated manner. One of the national aims of the education plans is to ensure that all boys and girls of school age are enrolled for compulsory education, and to promote adult education and the eradication of illiteracy.

302. Cultural and educational issues are dealt with in articles 16, 18, 20 and 21 of the Egyptian Constitution, under which the State undertakes to make education services available to all, as a recognized right, to make primary education compulsory (an aim which has been achieved to a large extent), to ensure the independence of universities and scientific research centres, to provide education free of charge at all levels, and to regard the eradication of illiteracy as a national obligation for the fulfilment of which the capacities of the people must be mobilized.

303. The above-mentioned principles are the cornerstone on which Egypt's policy and plans are based in all fields at the international and local levels and their importance is reflected in the recognition of the need for mutual understanding, tolerance and friendship among all nations and races without any distinction, discrimination or exploitation.

304. In actual practice, Egypt is making effective and ongoing endeavours to promote peace, cooperation and tolerance among peoples in all fields though the United Nations system, regional groupings and its bilateral relations with other States.

305. In this section, our review of the right to education and the education system will be supported by statistics on the practical application of this right in Egypt.

The legislative framework of the education system in Egypt

306. In keeping with the provisions of the Egyptian Constitution, and in the light of the above-mentioned general principles, article 1 of the Education Act No. 139 of 1981 stipulates

that the aim of pre-university education is to provide Egyptian students with a comprehensive cultural, academic and nationalist education conducive to belief in God, in their country and in the values of charity, truth and humanity and to endow them with the fundamental values and knowledge needed for the affirmation of their human dignity and their ability to achieve self-fulfilment, contribute effectively to social development and pursue higher studies.

307. Articles 4, 15 and 50 of the same Act stipulate that, on reaching the age of six years, all male and female Egyptian children have a right to basic education without distinction or discrimination. The State undertakes to provide them with this compulsory education and their parents or guardians have an obligation to ensure that they receive it for a period of eight years. The father or guardian of a child who fails to enrol at, or regularly attend, a school is liable to a fine. The Act defines the stages and types of pre-university education in Egypt as follows:

Stage 1: Compulsory primary education

308. This stage, which covers a period of nine academic years, is divided into six years of primary education and three years of preparatory education.

309. In 1990/91 proportional government spending on education amounted to 3.9 per cent of GNP, which is equivalent to 9.8 per cent of the government budget, and investments in education have increased considerably in accordance with the development plans, as explained in the introduction to this section.

310. The duration of compulsory education was increased from six to eight years by making the post-primary stage compulsory.

Stage 2: Secondary education

311. This stage, which covers a period of three years, is divided into four streams: general, technical, commercial and agricultural.

312. This official concern led to an intensification of the education awareness plans, which resulted in a notable increase in popular demand for education at its various stages. The Government consequently took the necessary measures to deal with the expected numerical increase at all educational stages and to absorb children at the compulsory and other stages by formulating plans for the construction, replacement, modernization and expansion of educational premises, particularly after the October 1990 earthquake which destroyed 100 schools.

313. The notable progress that the Government has achieved in this regard is illustrated by the fact that, as compared with 1960 when there were 7,400 primary schools, 1,100 preparatory schools and 520 secondary schools, by 1999 there were 31,720 schools divided into the following categories:

3,172 kindergartens for children below the age of compulsory education,

2,328 single-grade schools,

15,566 primary schools,

7,325 preparatory schools,

1,562 secondary schools, and

1,776 technical (commercial, industrial and agricultural) schools.

As a result, the number of students enrolled for primary education jumped from 1.7 million in 1960 to 11.8 million in 1999.

314. With regard to the size of classes, the construction, expansion and renovation operations have helped to offset the numerical increase by reducing the number of students per class to 43.6 at the first compulsory stage, 41.5 at the second compulsory stage and 36 at the secondary stage.

315. Egypt has also made notable progress in the field of female education, which is an important social objective, particularly in the developing countries. During the period from 1960 to 1999, the ratio of girls to boys rose from 38 per cent to 46.5 per cent at the primary stage, from 28 per cent to 46.1 per cent at the preparatory stage and from 24 per cent to 49.5 per cent at the secondary stage. In 1999, the ratio amounted to 34.6 per cent in industrial education, 20.8 per cent in agricultural education and 61.8 per cent in commercial education.

316. The following tables show the numbers of schools, classes and pupils (boys and girls) at the various levels in 1999, the female enrolment rates in the year 1998/99 and the decreasing drop-out rates at the preparatory level (which reflects the successful endeavours made to reduce the number of drop-outs).

Numbers of schools, classes and pupils at the various levels

Level	Schools	Classes	Boys	Girls	Total number of students
Pre-school	3 172	10 376	171 868	156 272	328 140
Primary	15 566	173 520	3 918 891	3 432 227	7 351 118
Preparatory	7 325	95 453	2 215 274	1 937 350	4 142 624
Basic	26 063	279 349	6 306 033	5 525 849	11 831 882
Mixed classes	68	98	1 754	976	2 730
Classes for girls	2 260	2 260		44 820	44 820
General secondary	1 562	24 514	487 984	480 724	968 708
Technical and industrial secondary	718	24 066	547 186	290 139	837 325
Agricultural secondary	154	5 118	146 498	38 643	185 141
Commercial secondary	895	22 080	316 872	512 994	829 866
Technical secondary	1 767	51 264	1 010 556	841 776	1 852 332
Total secondary	3 329	75 778	1 498 540	1 322 500	2 821 040
GRAND TOTAL	31 720	357 485	7 806 327	6 894 145	14 700 472

Female enrolment rates in the year 1998/99

Level	Female enrolment rate
Pre-school	47.62%
Primary	46.69%
Preparatory	46.65%
General secondary	49.63%
Industrial	34.65%
Agricultural	20.87%
Commercial	61.82%
TOTAL	45.95%

Numbers and percentages of male and female drop-outs from preparatory education

Academic year	Boys			Girls			Total		
	Enrolled	Drop-outs	Percentage	Enrolled	Drop-outs	Percentage	Enrolled	Drop-outs	Percentage
1990/91	1 532 052	176 794	11.5	1 241 437	123 045	9.9	2 773 489	299 839	10.8
1991/92	1 222 886	70 034	5.73	996 097	82 122	8.24	2 218 983	152 156	6.86
1992/93	1 216 689	64 081	5.3	996 253	49 801	5	2 212 942	113 882	5.16
1993/94	1 282 462	53 787	4.19	1 037 632	34 378	3.3	2 320 094	88 165	3.8
1994/95	1 287 447	73 051	5.67	1 075 314	48 388	4.5	2 362 761	121 439	5.14
1995/96	1 226 359	62 783	4.7	1 125 567	36 738	3.26	2 451 926	99 531	4.06
1996/97	1 366 672	50 842	3.72	1 178 497	34 196	2.9	2 545 169	85 038	3.34
1997/98	1 437 985	53 700	3.73	1 248 967	33 105	2.65	2 686 952	86 805	3.23

Stage 3: University and higher education

317. This stage comprises government-run and private higher institutes and universities, which will be reviewed briefly.

(a) Government-run institutes and universities

318. In view of the general aims on which educational plans and policies are based, university and higher education is a matter of great concern in order to ensure that more opportunities are available for graduates from the pre-university stage of education to enrol for higher education on the basis of the criteria of competence and total grades, and also in order to provide more opportunities for such enrolment through affiliation (on payment of higher fees) and in order to offer the wide variety of specialized academic courses needed to meet the direct needs of society.

319. These plans have been highly successful, as can be seen from the establishment of numerous universities throughout the Republic (there were a total of 12 in 1993, not counting the Southern Valley University which was established in 1994). In addition to these universities, which comprise 203 faculties, there is also a network of technical institutes and specialized colleges run by the Ministry of Education, the number of which rose from 61 in 1981 to 122 in 1994.

320. The following table shows the evolution in the numbers of persons enrolled for higher and university education during the period from 1994/95 to 1997/98.

Type of institution	1994/95	1995/96	1996/97	1997/98
(a) Universities				
Theoretical colleges	417 596	522 327	645 545	603 000
Practical colleges	180 433	228 785	283 932	300 000
Total	598 029	751 012	929 477	903 000
(b) Specialized education				
Pedagogy	31 259	29 523	33 181	37 943
Kindergartens	-	4 927	5 059	-
Industrial education	3 235	1 838	1 697	-
Technological institutes	-	1 922	2 585	2 570
Total	34 494	38 210	42 522	40 513
(c) Official technical institutes				
Commercial	40 785	82 045	72 961	67 976
Hotellery	1 413	1 913	2 045	2 759
Industrial	29 832	52 859	58 995	59 446
Health	5 484	6 664	7 086	7 759
Social services	1 092	1 511	1 045	1 857
Total	78 606	144 992	142 132	139 797
(d) Private technical institutes				
Higher	125 680	139 275	184 614	157 280
Intermediate	25 768	36 952	16 257	25 805
Total	151 448	176 227	200 871	183 085
Total higher education	264 548	359 449	385 525	363 395
Total higher and university education	682 577	1 110 461	1 315 002	1 266 395

(b) Private educational institutions

The pre-university stage

321. Act No. 139 of 1981 permits the establishment of private schools for individuals and groups in all educational fields and stages on the condition that their basic curricula must be in accordance with the education system in Egypt, with the possibility of introducing modern teaching methods or adding subjects in order to facilitate a more intensive study of foreign languages.

The stage of university education

322. Act No. 101 of 1992 permits the establishment of private universities to help to improve standards of education and scientific research. Four such universities have been established under the terms of Presidential Decrees Nos. 343, 344, 345 and 346 of 1996.

323. Act No. 52 of 1970 permits the establishment of private higher institutes for advanced studies or for studies for a period of two academic years in order to help to achieve the educational goals set in the development plans. These institutes are subject to governmental supervision in accordance with the national educational plans, programmes and policies. These private institutes, which admit applicants holding the certificate of general or technical secondary education, award recognized academic degrees (bachelor's degree, master's degree or diploma).

324. The latter Act established a fund to support private higher institutes so that they can continue to discharge their mission, improve their services and maintain an appropriate standard of education.

325. The following table shows the evolution in the numbers of persons enrolled at private universities.

Type of institution	1994/95	1995/96	1996/97	1997/98
Private universities				
The American University	3 404	3 711	4 076	4 451
The October University for Modern and Administrative Sciences	-	-	190	428
Misr International University	-	-	92	207
6 October University	-	-	1 091	2 455
Misr University for Science and Technology	-	-	452	1 017
The Sadat Academy	1 288	1 403	1 683	2 164
The Maritime Transport Academy	-	-	-	-
The Workers' University	-	-	-	-
Total	4 962	5 114	7 584	10 722

6. The right to participation in cultural activities

326. As stipulated in articles 47, 48 and 49 of the Egyptian Constitution of 1971, the State guarantees freedom of scientific research and of literary, artistic and cultural creativity and undertakes to provide the means needed to encourage them. The State also guarantees freedom of opinion and of all means of expression within the limits of the law. Freedom of the press and of printing and publication is guaranteed and censorship of newspapers, publications and the information media is prohibited except in time of war or emergency, in matters relating to social harmony or in the interests of national security within the framework defined by law. Following the referendum held on 22 May 1981, new articles were added to the Constitution under which the press was designated as an independent popular authority which discharges its social function in a free and independent manner by various means of expression within the framework of respect for the fundamental constituents of society and for public rights, freedoms and obligations, it being clearly understood that journalists have a right to obtain news and information (arts. 206, 207 and 210).

327. Egyptian legislation is in conformity with those constitutional principles.

328. The philosophy on which the Government's approach to cultural issues is based is that the development of culture through familiarization with the experiences and expertise of others is the most effective way to promote social development and intellectual homogeneity not only among members of society but also among peoples, and to keep abreast of changes, respond to events and stimulate a spirit of responsibility and participation in the face of both international and local problems.

329. The establishment of an appropriate environment for creativity and innovation forms the basis of cultural activity. Accordingly, the State nurtures the talents of innovative persons in all artistic and cultural fields by providing specialized artistic centres endowed with the most modern equipment and facilities, and also by arranging the translation of Arabic literature into other languages and vice versa, by publishing cultural magazines and by organizing participation in local and international exhibitions and competitions.

330. In Egypt, culture and knowledge are disseminated mainly through books. The Government-sponsored Public Authority for Books is responsible for dealing with the difficulties arising from the high costs by publishing popular editions with low-cost production requirements. The Authority publishes the "Heritage" books, as well as cultural magazines and translations, and Egypt relies to a large extent on its network of bookshops in order to make books available to citizens in all parts of the country. Annual international book exhibitions are also held.

331. A Cultural Development Fund has been established to provide loans on easy terms for the production of cinematographic films and the establishment and operation of cinemas and theatres. The Ministry of Culture, in collaboration with foreign experts, also produces documentary films, organizes national film festivals and offers incentives for outstanding theatrical and cinematographic works and performances.

332. Operations to restore Islamic and Coptic monuments and relics are among the principal functions which the Ministry of Culture undertakes in collaboration with international organizations and foreign States.

333. Mrs. Suzanne Mubarak, the wife of the President of the Republic, is patronizing a national campaign to establish children's libraries and promote the "reading for all" project, the aim of which is to make books available to children and other citizens in all residential areas and communities.

Some statistical indicators

The number of archaeological museums increased from 5 in 1981 to 32 in 1995.

The number of cultural centres increased from 196 in 1981 to 292 in 1993.

The number of visitors to cultural exhibitions held outside the country increased from 2.2 million in 1981 to 9.4 million in 1993.

334. Egypt does not have any main ethnic minorities. There is full homogeneity among all the groups and communities of which the Egyptian population consists since they all speak the same language, Arabic, which is the country's official language and Arab culture predominates in all its geographical regions, both desert and coastal. There are no non-Arabic linguistic or dialectal enclaves with the exception of the oasis of Siwa which, in addition to Arabic, also has a local dialect which has formed the subject of numerous academic studies and surveys. The Nubian dialect is being preserved by the cultural associations which previously resettled the population of Nubia when the Aswan high dam project inundated their ancient villages, which were saved together with the temple of Abu Simbel. The colloquial dialects which are spoken in the country's various regions and which form the subject of scientific studies and research programmes are all derived from the Arabic mother tongue.

335. The Ministry of Culture is making considerable endeavours to preserve the cultural heritage of the Arab Republic of Egypt, including Nubia and the desert and coastal regions, through the following measures:

(a) Collection of the popular heritage of these regions. The National Folklore Centre, which is run by the Arts Academy of the Ministry of Culture, is playing a major role in this field and the Folklore Institute is conducting academic studies on the popular heritage particularly in Nubia and the desert and coastal regions.

(b) The Higher Council for Culture has established committees and organized cultural symposia on the cultural heritage and artistic originality of those regions. During its last cultural season, the Council's Committee on Narrative Literature organized a seminar on the originality of Nubian writers. Through its Geographic Committee, the Council is continuing to publish numerous specialized studies on the cultural heritage of Egypt's various regions, including Nubia and the oasis of Siwa.

(c) The State-run theatres, including the Opera House, present artistic, vocal, instrumental and theatrical performances by Nubian troupes or inspired by the literary works of Nubian authors or artists. Every cultural season at the Opera House includes a number of vocal and instrumental performances by Nubian troupes and singers.

(d) The Association of Cultural Centres organizes an annual congress attended by writers and artists from all parts of Egypt, including the coastal and desert governorates and the governorate of Aswan.

336. In addition to the above, the Egyptian Broadcasting Authority at the Ministry of Information presents numerous radio and television programmes devoted to the cultural heritage and particularities of Egypt's various regions. These are broadcast on the central television and radio channels or on the regional channels covering the southern part of Upper Egypt, the Sinai peninsular, the Canal zone and the northern coastal regions. Private organizations and State-supported scientific associations are also helping to collect, study and preserve the cultural heritage.

State prizes and international cooperation

337. In keeping with its commitment to propagate, develop and promote scientific research and creativity in all fields and to encourage international contacts and cooperation, the State awards annual prizes to reward and encourage Egyptians in all cultural, scientific and literary fields.

338. These prizes are governed by the provisions of the following Acts:

Act No. 12 of 1972 concerning civilian medals and decorations

339. This Act made provision for the award of decorations to persons who render outstanding services to the nation in the field of science, literature, the arts or sports or to outstanding employees of the State. Orders of merit may also be awarded to exceptional performers in these fields or in agriculture, industry, commerce, sports, youth affairs, public service or public order or security.

Act No. 37 of 1958 concerning State prizes for intellectual production to encourage science, literature, the arts and sociology

340. This Act, as amended by Act No. 161 of 1980, made provision for 15 prizes to reward merit (known as "State prizes for intellectual production") and 56 incentive prizes (known as "State prizes to encourage science, the arts, literature and sociology") distributed as follows:

	Prizes to reward merit	Incentive prizes
Science	5	32
Sociology	4	6
Literature	3	6
Fine arts	3	6
Law and economics	-	6

341. The prizes to reward merit are awarded annually to citizens who have distinguished themselves by their intellectual production, while incentive prizes are awarded for the best works in literary and other fields. The prize winners are chosen by specialized committees in accordance with objective rules and on the basis of scientific or academic appraisal.

Act No. 49 of 1984 concerning the State prize for artistic creativity

342. This Act made provision for the award of a State prize for artistic creativity in the fields of culture and the arts. The prize winner is entitled to spend up to three years at the Egyptian Academy at Rome at the State's expense in order to benefit from international expertise in the fields of specialization covered by the prize, namely all branches of the fine arts, the history of art, Egyptian archaeology, artistic restoration, literature, music, the cinema and the theatre.

F. Right of access to any public place or service

343. The Supreme Constitutional Court has ruled that article 40 of the Constitution embodies the principle of equality before the law in regard to public rights and obligations without any discrimination on any grounds whatsoever.

344. The Egyptian legislature, being committed to this constitutional principle, has ensured that no legislative enactments or related standard practices or procedures infringe the right of citizens to enter public places or avail themselves of public services, access to which is guaranteed to all without any form of discriminatory treatment.

345. By virtue of its composition and its history, Egyptian society condemns and deplores discriminatory conduct in regard to citizens or foreigners. Consequently, such practices are virtually never encountered in the daily life of the Egyptian people and no violations have been reported in this regard.

346. In the hypothetical event of any violation of these constitutional principles and legal provisions by the bodies responsible for public places or services, the victim could apply to the ordinary courts or to the Council of State, depending on the nature of the violation committed, in order to obtain compensation and ensure that the person responsible is called to account.

Article 6

347. Reference has already been made, in section D of part I, to the national remedies and the monitoring and control mechanisms that ensure effective application of the right to equality and the legal provisions derived therefrom.

348. The rulings that the Supreme Constitutional Court has handed down in constitutional disputes brought before it concerning the right to equality (to which reference has been made in section B of part I and in paragraph 2 of the comments on article 5) reflect the Court's view, interpretation and definition of this right, as well as the right to legal remedy which is guaranteed to all persons, whether citizens or foreigners, and its determination to ensure the effective enjoyment of those rights by exercising its power of judicial control over the constitutionality of legislation.

349. It should be noted that the rulings of the Constitutional Court, which are binding on all the State authorities and are not subject to appeal, are published in the country's Official Gazette and enter into force on the day following the date of their publication therein.

Article 7

350. Reference has already been made, in section E of part I and in the comments on articles 2 and 3 in part II, to the measures that Egypt has taken at the international and domestic levels and to the plans and policies that it has formulated in the fields of education, culture and information with a view to promoting understanding and tolerance and combating prejudices which lead to any form of racial discrimination.

PART III. REPLIES TO THE COMMITTEE'S QUESTIONS AND RECOMMENDATIONS

351. This part contains Egypt's replies to the Committee's questions and recommendations, expressed during its consideration of Egypt's last report, which can be summarized as follows:

1. Egypt's position in regard to the amendment of article 8, paragraph 6, of the Convention;

2. Egypt's position in regard to the declaration recognizing the competence of the Committee in accordance with article 14;

3. The legal status of the provisions of the Convention under the Egyptian legal system;

4. Definition of the term "racial discrimination", as contained in article 1 of the Convention, under Egyptian law;

5. Application of general recommendation XV (42/7) concerning acts to be designated as punishable offences in accordance with article 4 of the Convention;

6. Application of general recommendation XVII (42/711) concerning the establishment of national human rights institutions;

7. The demographic composition of the Egyptian people;

8. The situation of ethnic minorities in Egypt.

352. Egypt's detailed replies to the issues raised and the recommendations made by the Committee during its consideration of Egypt's last report are as follows:

1. Egypt's position in regard to the amendment of article 8, paragraph 6, of the Convention

353. The question of ratification of this amendment is currently being studied with all the bodies concerned and Egypt will be adopting a position on this amendment as soon as possible.

2. Egypt's position in regard to the declaration recognizing the competence of the Committee in accordance with article 14

354. This matter is currently being studied with all the bodies concerned in order to define Egypt's position on that declaration.

3. The legal status of the provisions of the Convention under the Egyptian legal system

355. Detailed reference has already been made to this matter in part I of this report, in which it was stated that the Convention is in conformity with articles 8 and 40 of the Egyptian Constitution and forms part of the country's legislation in accordance with article 151 of the Constitution.

4. Definition of the term "racial discrimination", as contained in article 1 of the Convention, under Egyptian law

356. Reference has already been made to the Constitutional Court's rulings on this matter in which the Court indicated that the forms of discrimination specified in article 40 of the Constitution were not exclusive and that the right to equality and non-discrimination covered all types and forms of discrimination. The relevant rulings of the Constitutional Court, which are based on the provisions of the Convention forming the subject of this report, have already been noted in the appropriate sections of the report.

5. Application of general recommendation XV (42/7) on acts to be designated as punishable offences in accordance with article 4 of the Convention

357. A detailed reply has already been given, in the comments on article 4, concerning acts designated as punishable offences under the terms of Egyptian legislative enactments such as the

Penal Code, the Political Parties Act and, most recently, the Press Act of 1996 in which, pursuant to the above-mentioned recommendation, the Egyptian legislature designated further acts as punishable offences.

358. Moreover, under Egyptian law, authorization cannot be given for the establishment of private organizations or associations the aims of which include the promotion or incitement of racial discrimination or hatred, which are punishable offences incompatible with public order and Act No. 32 of 1964.

6. Application of general recommendation XVII (42/711) concerning the establishment of national human rights institutions

359. In accordance with all the resolutions adopted by the United Nations and its treaty-monitoring bodies concerning this subject, since the early 1990s Egypt has been setting up an infrastructure of national institutions specialized in this field. At the Ministry of Foreign Affairs, it has established a specialized Human Rights Department, followed by a Standing Committee on Human Rights, the membership of which includes representatives of the Ministries concerned together with experts on this subject. It has also established the Office of the Assistant Attorney-General for Human Rights Affairs and a Directorate-General for Human Rights Affairs is currently being established at the Office of the Minister of Justice.

360. At the national level, Egypt has established a National Council on Women and a National Council on Mothers and Children and is currently studying the establishment of a National Council on Human Rights in the light of the Paris principles of 1991, concerning the establishment of such national councils, which was adopted by the General Assembly of the United Nations on 20 December 1993.

7. The demographic composition of the Egyptian people

361. Reference has already been made, in section A of part I, to some indicators concerning the characteristics of the population. The Statistical Yearbook published by the Central Agency for Public Mobilization and Statistics, concerning all spheres of activity and the extent of the progress and success achieved therein during the period 1992-1998, is attached hereto.

8. The situation of ethnic minorities in Egypt

362. Egypt does not have any notable ethnic minorities. With regard to the nomads, the Berbers and the Nubians, reference has already been made, in section E.6. of the comments on article 5 in part II, to the fact that there is full homogeneity among all the groups and communities of which the Egyptian population consists since they all speak the same language, Arabic, which predominates in all the country's geographical regions, both desert and coastal. There are no non-Arabic linguistic or dialectal enclaves with the exception of the oasis of Siwa where there is a local dialect which has formed the subject of numerous academic studies and surveys.

363. All citizens from these regions enjoy all their constitutionally recognized rights and freedoms and many of them occupy high posts in the State and serve as members of Parliament and local councils. The fact that they originate from those regions in no way precludes their enjoyment of any of their recognized rights or freedoms.

364. The State is diligently preserving the cultural heritage of those regions in the manner already indicated and the architectural designs of the Nubian houses were respected when their occupants were resettled following completion of the High Dam project.

365. In keeping with the customs and traditions of the population of those regions, the Code of Civil Procedure permits the establishment of conciliation councils, chaired by a public prosecutor, at the courts of summary jurisdiction to settle civil disputes in the customary manner in those regions. Within the context of judicial applications, the Constitutional Court has ruled that article 7 of the Shari'a Courts Regulatory Statute, which make provision for a single level of personal status courts in the regions of Siwa, El-Arish, Quseir and the Oases, was unconstitutional insofar as it was inconsistent with the practice in force in other regions in which appeals were admissible.

CONCLUSION

366. While submitting this report to the distinguished Committee, Egypt wishes to reaffirm its full and constant willingness to reply to any questions or requests for information from the Committee's expert members and, at the same time, wishes the Committee ongoing success in the fulfilment of its mission.